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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Telecommunications and Information Society
Subject:	Data Act : DK comments 4th compromise (doc. 5586/23)

Delegations will find in the Annex the DK comments on 4th compromise (doc. 5586/23).

DENMARK comments of the fourth compromise proposal on Data Act (document 5586/23)

Reference	Fourth compromise proposal	Drafting suggestion	Comment
General comments			DK appreciate the fourth compromise text which addressed a number of our concerns. However, there are still a couple of issues, which in our view, need to be addressed in order to achieve the goals set out with the Data Act, achieve legal clarity and proportionality. Therefore, our remaining priorities which we would urge the Presidency to address are: • Bringing legal clarity on the calculation of compensation by introducing mandatory criteria directly in article 9; • Avoiding that European businesses are overburdened by data access requests pursuant to article 15 by linking the existence of a public emergency to the existence of an extraordinary need as well as making it clear that competent authorities can intervene in terms of data access requests that do not meet the criteria; • Avoiding fragmentation of the internal market as well as ensuring a level playing field by

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			deleting the provision in article 20(2b) which entails that data holders' right to compensation varies dependent upon Member States' national statistics regulation; • Ensuring complete alignment with the Machinery Regulation concerning provisions on harmonized standards and common specifications, as this should be the horizontal approach for the empowerment of introducing common specifications; • Strengthening the protection of trade secrets, where we support the Presidency's changes introduced to this effect. We will look positively upon further suggestions which can serve to protect trade secrets, as long as they preserve the fine balance, where the incentive for collection and processing of data is not removed, but where a user's access right cannot be undermined with a simple reference to trade secrets. In terms of article 9 on compensation, it is essential that we have legal clarity on

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			the criteria, which must always be taken into account when calculating reasonable compensation for obligatory data sharing. We consider this issue important for realizing the ambitions set out with the Data Act, as the article on compensation both can come to determine whether or not third parties will get access to IoT-data in practice, and secondly, can determine whether European enterprises will continue to have the incentive for investing in data collection and processing. Also, we would like to highlight that it is still important to DK that the exemption of micro, small and medium sized enterprises in Chapter 2 is removed. At the same time, we take note of the majority and hope that this instead can be addressed during the trilogue.
Article 9(1)	Any compensation agreed between a data holder and a data recipient for making data available in business-to-business relations shall be reasonable. <u>Such reasonable compensation may include the costs incurred and investment required for making the data available</u>	1. Any compensation agreed upon between a data holder and a data recipient for making data available in business-to-business relations shall be reasonable. <u>Such reasonable compensation may include the costs incurred and investment required for making the data available as well as a margin, which may vary for objectively</u>	DK finds it essential to include the critical factors to be taken into account when determining a reasonable compensation directly in the article, thereby making these criteria mandatory. As the text stands now and as pointed out by the Council's Legal Service, the different criteria listed in recital 42a will from a legal perspective only serve as examples that <i>could</i> be taken into

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	<u>as well as a margin, which may vary for objectively justified reasons relating to the data.</u>	justified reasons relating to the data, and as a minimum take into consideration: a) the costs incurred and investments required for making the data available. These costs include the costs necessary for the formatting of data, dissemination via electronic means and storage, but not of data collection or production; b) the volume and nature of the data, as well as investments in data collection and processing; c) whether or not the data is co-generated.	account. In order to achieve the objectives of the Data Act and to ensure greater access to and reuse of data, it is necessary to ensure that the critical criteria are always taken into account when determining the level of compensation. Consequently, we suggest an approach that lists the criteria which should as a minimum be taken into account. Thereby we do not exclude other relevant factors which <i>can</i> be taken into account - some of which are listed in recital 42a. We have taken recital 42a as a point of departure, though, as is also reflected in our comments to recital 42a, we do make some deviations. First, we suggest in litra (a) that the costs incurred and investment required for making the data available should be taken into account. In this respect, we deviate slightly from the recital, as we find that the formatting of data ought to be included in the costs incurred for making the data available as opposed to form part of the margin, since complying with either requirements in legislation or the recipient's requests on the format of data would be a cost of making data available. It is a relevant distinction, as according to

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			paragraph 2, the data holder can only receive compensation for costs pursuant to litra (a) where the recipient is an SME. Consequently, we have not included this element in litra (b). In litra (b), we include some of the elements which should be considered when calculating the margin. Here, we agree with the Commission's understanding that the data holder's interests will be greater affected when sharing the totality of a dataset with a recipient rather than a subset. We additionally suggest a reference to the nature of the data, as it is imperative that data holders can charge more depending on the level of processing and whether data is raw, refined or inferred/derived. We also find that investments in data collection and processing should be taken into consideration in order to reflect, that greater costs of generating data should allow for a higher price. In litra (c), we have added co-generation as the final element that should as a minimum be considered and which like litra (b) forms part of the margin. As is reflected in the recital, the margin should be lower where the data is co-generated.

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			We have chosen not to include elements relating to supply and demand for data nor factors relating to the recipient's use of data. Overall, we find that these elements are normally found in voluntary agreements on data-sharing, but they are not necessarily appropriate terms to include in compensation in situations of obligatory data-sharing nor would they be aligned with the objectives of the proposal. Allowing data holders to account for supply and demand of the data would in our opinion counteract the intentions of the proposal in promoting greater access to data and to ensure a fairer distribution of data. Including such a parameter, risks perpetuating barriers for data access where for instance data monopolies could continue to set exorbitant prices based on the Data Act - also with respect to obligatory data-sharing where the data in question are scarce and in high demand. With regards to the recipient's use of data, it is problematic as such an element would in practice allow discrimination of data recipients. In this regard, the intention of allowing the data holder to charge a higher compensation, where the recipient provides a competing service or similar, might counteract the initiatives in

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			Chapter 2, which among other things aim to give citizens a more competitive market for after-sales services. If the data holder can charge the third party more for the user's data where the third party offers a competing service, the third party would most likely end up charging higher prices for such competing services rather than being able to offer more competitive prices than the data holder in the first place. Finally, we find that including factors pertaining to the recipients' use of data, as described in the Commission's study on developing criteria for reasonable compensation, would make the calculations overly complicated and would also make it difficult to assess and contest whether or not the requested compensation is reasonable.
Article 9(2)	2. Where the data recipient is a micro, small or medium enterprise, as defined in Article 2 of the Annex to Recommendation 2003/361/EC, provided those enterprises do not have partner enterprises or linked enterprises as defined in Article 3 of the Annex to Recommendation 2003/361/EC which do not qualify as a micro, small or medium enterprise,	2. Where the data recipient is a micro, small or medium enterprise, as defined in Article 2 of the Annex to Recommendation 2003/361/EC, provided those enterprises do not have partner enterprises or linked enterprises as defined in Article 3 of the Annex to Recommendation 2003/361/EC which do not qualify as a micro, small or medium enterprise, any compensation agreed shall not exceed the costs set out in Paragraph 1(a) of this Article. directly related to making the data available	As a consequence of our changes to paragraph 1, it would make sense to refer to paragraph 1(a) which would apply to micro, small or medium enterprises with a view to provide further legal certainty and to simplify the text.

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	any compensation agreed shall not exceed the costs directly related to making the data available to the data recipient and which are attributable to the request. These costs include the costs necessary for data reproduction, dissemination via electronic means and storage, but not of data collection or production. Article 8(3) shall apply accordingly.	to the data recipient and which are attributable to the request. These costs include the costs necessary for data reproduction, dissemination via electronic means and storage, but not of data collection or production. Article 8(3) shall apply accordingly.	
Recital (42a)	Such reasonable compensation may include firstly the costs incurred and investment required for making the data available. These costs can be technical costs, such as the costs necessary for data reproduction, dissemination via electronic means and storage, but not of data collection or production. Such technical costs could include also the costs for processing, necessary to make data available, including costs associated with anonymising or pseudonymising data. Costs related to making the data available may also include the costs of organising answers to concrete data sharing requests. They may also vary depending on the arrangements taken for making the data available. Long-term arrangements between data holders and data recipients, for instance via a subscription model or	(42a) Such reasonable compensation may include firstly the costs incurred and investment required for making the data available. These costs can be technical costs, such as the costs necessary for data reproduction, dissemination via electronic means and storage, but not of data collection or production. Such technical costs could include also the costs for processing, necessary to make data available, including costs associated with anonymising or pseudonymising data and formatting of data. Costs related to making the data available may also include the costs of organising answers to concrete data sharing requests. They may also vary depending on the arrangements taken for making the data available. Long-term arrangements between data holders and data recipients, for instance via a subscription model or the use of smart contracts, could reduce the costs in regular or repetitive transactions in a business relationship. Costs related to making data available are either specific to a particular request or shared with	We do not agree that all the listed criteria in this recital ought to be taken into account. We are accordingly suggesting some changes to the recital which also serve to reflect our proposed changes to article 9. First, we find that the formatting of data ought to be included in the costs incurred for making the data available, with reference to our comment in article 9. Second, we agree with the Commission's understanding that the data holder's interests will be greater affected if it must share the totality of a dataset with a recipient rather than a sub-part of that dataset, though as this is not clear from the recital, we have sought to further clarify this element.

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	the use of smart contracts, could reduce the costs in regular or repetitive transactions in a business relationship. Costs related to making data available are either specific to a particular request or shared with other requests. In the latter case, a single data recipient should not pay the full costs of making the data available. Reasonable compensation may include secondly a margin. Such margin may vary depending on factors related to the data itself, such as volume, format or nature of the data, or on the supply of and demand for the data. It may consider the costs for collecting the data. The margin may therefore decrease where the data holder has collected the data for its own business without significant investments or may increase where the investments in the data collection for the purposes of the data holder's business are high. The margin may also depend on the follow-on use of the data by the data recipient. It may be limited or even excluded in situations where the use of the data by the data recipient does not affect the own activities of the data holder. The fact that the data is co-generated by the user could also lower the amount of the compensation in comparison to	other requests. In the latter case, a single data recipient should not pay the full costs of making the data available. Reasonable compensation may include secondly a margin. Such margin may vary depending on factors related to the data itself, such as volume, format or and nature of the data, or on the supply of and demand for the data. For the purposes of calculating the margin, the volume of data relates to the data holder's business interests, which may be more greatly affected when the recipient receives the totality of a dataset as opposed to a sub-set thereof. With regards to the nature of the data an important distinction should be made in relation the data's level of processing, and the margin should increase where data is refined and even more where there is given access to secondary inferred or derived data. ¶The margin may consider the costs for collecting the data. The margin may therefore decrease where the data holder has collected the data for its own business without significant investments or may increase where the investments in the data collection for the purposes of the data holder's business are high. The margin may also depend on the follow-on use of the data by the data recipient. It may be limited or even excluded in situations where the use of the data by the data recipient does not affect the own activities of the data holder. The fact that the data is co-generated by the user could also should lower the amount of the compensation in comparison	Thirdly, it is imperative that the margin will be affected by the level of processing and whether data is raw, refined or inferred/derived, which may not be relevant for the compulsory data sharing regime in Chapter 2, but may be relevant for future sectoral legislation. The Data Act should not remove the incentive for businesses to perform value-added data services. For this reason, we have sought to elaborate upon the meaning of "the nature of the data". Fourth, we agree that the margin should be lower where the data is co-generated, though we believe it should always be taken into account as a factor that should be considered when calculating the margin in Article 9. Accordingly, we suggest exchanging "may" for "should". Fifth, we suggest deleting elements relating to supply and demand for data and factors relating to the recipient's use of data, with reference to our comment in relation to article 9.

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	other situations where the data are generated exclusively by the data holder.	to other situations where the data are generated exclusively by the data holder.	
NEW Recital (42b)		(new) (42b) Where a data holder is obliged to make data available to a third party as data recipient under Article 5, the compensation should consist of the costs and investments related to making the data available. Since data sharing under article 5 always concerns raw or pre-processed data which is co-generated by the user of a product or service and readily available to the data holder, the margin should be excluded or significantly reduced.	We agree with NL that it is important to add further clarity on the applicability of article 9 concerning transactions under article 5 of the Data Act. The current text may inadvertently allow data holders to monetize individual users' (personal) data with few limits and the lack of specificity will lead to many and lengthy disputes on compensation, undermining users' right to share data. The Data Act should increase users' control over the use of their data. It is therefore important to complement the general provisions on reasonable compensation with a recital that explains how the provisions should be applied to the specific transactions covered in the Data Act in Article 5. Transactions in the Data Act always concern co-generated raw or pre-processed data which are already available to the data holder. According to this logic, this should generally lead to an excluded or small margin.
Article 15(1).	<u>1.</u> ____ exceptional need to use data within the meaning of this Chapter shall be limited in time and scope and deemed to	<u>1.</u> ____ exceptional need to use data within the meaning of this Chapter shall be limited in time and scope and deemed to exist in situations of	It remains a priority for DK that the access to privately held data should be tied to the existence of a public

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	exist only in any of the following circumstances: (c) where the lack of available data prevents the public sector body, or Union institution, agency or body the Commission, the European Central Bank or Union bodies from fulfilling a specific task in the public interest, such as official statistics, that has been explicitly provided by law; and (1) the public sector body or Union institution, agency or body the Commission, the European Central Bank or Union body has exhausted all other means at its disposal has been unable to obtain such data by alternative means, including, but not limited to, by purchasing of the data on the market at by offering market rates or by relying on existing obligations to make data available, and or the adoption of new legislative measures which could guarantee cannot ensure the timely availability of the data,; or (2) obtaining the data in line with the procedure laid down in this Chapter would substantively reduce the administrative burden for data holders or other enterprises.	public emergency and only in any of the following circumstances:	emergency. As there are different opinions on the matter of deleting article 15(1)(c), we would instead suggest that article 15(1)(c) is only applicable in situations of public emergency. We hence suggest a small change to article 15(1) in order to clarify that all three circumstances of an exceptional need are dependent upon the existence of a public emergency. It is important for us to emphasize that we support the deletion of article 15(1)(c)(2) which is a significant improvement. In our view, the access given in point 2 was very broad and posed significant risks of unintentional use.

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Article 20(2b)	<u>Data holders shall not be able to request compensation for making data available in compliance with a request made pursuant to Article 15, points (b) or (c) in case the specific task in the public interest is the production of official statistics and where the purchase of data is prohibited by national law.</u>	<u>Data holders shall not be able to request compensation for making data available in compliance with a request made pursuant to Article 15, points (b) or (c) in case the specific task in the public interest is the production of official statistics and where the purchase of data is prohibited by national law.</u>	DK strongly believes that the new provision in article 20(2b) should be deleted. While we do understand the position of Member States who have regulation against the purchase of data for statistics, we must bear in mind that the Data Act is a horizontal regulation with the purpose of harmonizing data access. It is problematic that the Data Act will introduce a new cross-border data access which is not harmonized but instead will result in fragmentation of the internal market and will distort competition. As the text stands, a data holder could receive the same data request from authorities in two different member states and be allowed compensation in just one of the two cases. And enterprises in Member States where the purchasing of data for statistics is forbidden would probably receive more requests than enterprises in other Member States and would additionally not be compensated. Consequently, there will not be a level playing field for European companies on the internal market.
(NEW) Article 22(4)		<u>(d) reject the request or otherwise exercise its functions in relation to the enforcement and implementation of this regulation</u>	We support NL suggestion to clarify that competent authorities can intervene on

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			unlawful requests, especially in cross-border contexts.
Article 31(3)	(j) examining the requests for data made pursuant to Article 14(1) in cross-border contexts.	(j) examining the requests for data made pursuant to Article 14(1) in cross-border contexts and rejecting any unlawful requests.	We support NL suggestion to clarify on the competencies of the competent authority responsible for Chapter 5.
Articles 28, 29 and 30 and accompanying recitals			In terms of common specifications, we consider the text in the Machinery Regulation to be the horizontal approach for the empowerment of introducing common specifications. Therefore, there should be complete alignment between the provisions on common specifications in the Machinery Regulation and those in the Data Act. We see a significant risk that the existing text article 29 will set precedence for future regulation, thereby empowering the Commission to circumvent the traditional standardization processes of the European standardization system. This could have a number of unintended consequences, for instance legal uncertainty on the hierarchy between harmonized standards and common specifications or potential long-term consequences for the industry engagement in the development of harmonized standards.

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Article 2 (18)	‘common specifications’ means a document, other than a standard, containing technical solutions providing a means to comply with certain requirements and obligations established under this Regulation;	‘common specification’ means a set of technical specifications, as defined in point 4 of Article 2 of Regulation (EU) No 1025/2012 providing means to comply with essential requirements established under this Regulation;	The definition of ‘common specifications’ should be aligned with the definition from the Machinery Regulation.
Article 28 (5)	The Commission shall may , by way of implementing acts, adopt common specifications <u>covering any or all of the essential requirements set out in paragraph 1 where the following conditions have been fulfilled:</u> (a) no reference to harmonised standards covering any or all of the essential requirements set out in paragraph 1 is published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012; referred to in paragraph 4 of this Article do not exist or in case it considers that the relevant harmonised standards are insufficient to ensure conformity with the essential requirements in paragraph 1 of this Article, where necessary, with respect to	5. The Commission shall may , by way of implementing acts, adopt common specifications <u>covering any or all of the essential requirements set out in paragraph 1</u> where <u>the following conditions have been fulfilled:</u> <u>a) the Commission has requested, pursuant to article 10 (1) of Regulation 1025/2012, one or more European standardisation organisations to draft a harmonised standard for the essential requirements set out in paragraph 1 of this article and the request has not been accepted or the European standardisation deliverables addressing that request is not delivered within the deadline set in accordance with Article 10 (1) of Regulation 1025/2012 or European standardisation deliverables does not comply with the request, and</u>	DK suggests comprising the conditions (a, b and c) in the compromise text into only condition a and b, thereby aligning the text with the Machinery Regulation.

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	any or all of the requirements laid down in paragraph 1 of this Article. (b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation organisations to draft a harmonised standard for the essential requirements set out in paragraph 1; and (c) the request referred to in point (b) has not been accepted by any of the European standardisation organisations; or the harmonised standard addressing that request is not delivered within the deadline set in accordance with article 10(1) of Regulation 1025/2012; or the harmonised standard does not comply with the request.	b) no reference to harmonised standards covering the relevant essential requirements set out in paragraph 1 of this article is published in the Official Journal of the European Union in accordance with Regulation (EU) no 1025/2012 and no such reference is expected to be published within a reasonable period.	
Article 29 (3)	Open interoperability specifications shall comply with paragraph 3 and 4 of Annex II of Regulation (EU) No 1025/2012.	Open interoperability specifications shall comply with paragraph 3 and 4 of Annex II of Regulation (EU) No 1025/2012.	DK suggests referencing all of Annex 2 of Regulation (EU) No 1025/2012, as this will make the definition of ‘open interoperability specifications’ in article 2 (15) accurate. Regulation (EU) 1025/2012 definition of ICT technical specifications refer to all of Annex 2, therefore ‘open interoperability specifications’ must do the same.

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Article 29 (4)	<u>The Commission may, by way of implementing acts, adopt common specifications on the basis of open interoperability specifications covering all of the essential requirements set out in paragraphs 1 and 2 and 3.</u>	The Commission may, by way of implementing acts, adopt common specifications on the basis of open interoperability specifications covering all of the essential requirements set out in paragraphs 1 and 2 and 3, where the following conditions have been fulfilled: a) the Commission has requested, pursuant to article 10 (1) of Regulation 1025/2012, one or more European standardisation organisations to draft a harmonised standard for the essential requirements set out in paragraph 1 of this article and the request has not been accepted or the European standardisation deliverables addressing that request is not delivered within the deadline set in accordance with Article 10 (1) of Regulation 1025/2012 or European standardisation deliverables does not comply with the request, and b) no reference to harmonised standards covering the relevant essential requirements set out in paragraph 1 of this article is published in the Official Journal of the European Union in accordance with Regulation (EU) no 1025/2012	The conditions for establishing implementing acts to adopt common specifications in article 29 should be aligned with the conditions set out in article 28 and article 30.

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		and no such reference is expected to be published within a reasonable period.	
Article 29 (new 4b)		Before preparing a draft implementing act in accordance with paragraph 4a, the Commission shall inform the committee referred to in Article 22 of Regulation EU (No) 1025/2012 that it considers that the conditions in paragraph 5 are fulfilled.	The conditions for establishing implementing acts to adopt common specifications in article 29 should be aligned with the conditions in article 28 and 30.
Article 29 (new 4c)		Opeen interoperability specifications that meet the common specifications established by one or more implementing acts referred to in paragraph 5 or parts thereof shall be presumed to be in conformity with the essential requirements set out in paragraph 1 and 2 covered by those common specifications or parts thereof.	The conditions for establishing implementing acts to adopt common specifications in article 29 should be aligned with the conditions in article 28 and 30.
Article 29 (new 4d)		When references of a harmonised standard are published in the Official Journal of the European Union, implementing acts referred to in paragraph 4a, or parts thereof which cover	The conditions for establishing implementing acts to adopt common specifications in article 29 should be aligned with the conditions in article 28 and 30

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		the same essential requirements set out paragraph 1 and 2, shall be repealed by the Commission.	
Article 30 (6)	Where harmonised standards referred to in paragraph 4 of this Article do not exist or where the Commission considers that the relevant harmonised standards are insufficient to ensure conformity with the essential requirements in paragraph 1 of this Article in a cross border context, the The Commission may, by way of implementing acts, adopt common specifications in respect of covering any or all of the essential requirements set out in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2). where the following conditions have been fulfilled: <u>(a) no reference to harmonised standards covering any or all of the</u>	Where harmonised standards referred to in paragraph 4 of this Article do not exist or where the Commission considers that the relevant harmonised standards are insufficient to ensure conformity with the essential requirements in paragraph 1 of this Article <u>in a cross border context</u>, The Commission shall may, by way of implementing acts, adopt common specifications in respect of the essential requirements set out in paragraph 1 of this Article where the following conditions have been fulfilled: a) the Commission has requested, pursuant to article 10 (1) of Regulation 1025/2012, one or more European standardisation organisations to draft a harmonised standard for the essential requirements set out in paragraph 1 of this article and the request has not been accepted or the European standardisation deliverables addressing that request is not delivered within the deadline set in accordance with Article 10 (1) of Regulation 1025/2012 or European standardisation deliverables does not comply with the request, and	DK suggests comprising the conditions (a, b and c) in the compromise text into only condition a and b to align the text with the Machinery Regulation

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	<u>essential requirements set out in paragraph 1 is published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012;</u> <u>(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation organisations to draft a harmonised standard for the essential requirements set out in paragraph 1; and</u> <u>(c) the request referred to in point (b) has not been accepted by any of the European standardisation organisations; or the harmonised standard addressing that request is not delivered within the deadline set in accordance with article 10(1) of</u>	b) no reference to harmonised standards covering the relevant essential requirements set out in paragraph 1 of this article is published in the Official Journal of the European Union in accordance with Regulation (EU) no 1025/2012 and no such reference is expected to be published within a reasonable period.	

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	<u>Regulation 1025/2012; or the harmonised standard does not comply with the request.</u>		
Recital (76)	<u>As the market take-up of identified standards under the cloud standardisation coordination (CSC) initiative concluded in 2016 has been limited, the Commission also needs to rely on parties in the market to develop relevant open interoperability specifications to keep up with the fast pace of technological development in this industry. Such open interoperability specifications can then be adopted by the Commission in the form of common specifications. In addition, where As market-driven processes have not demonstrated the capacity to establish technical specifications or standards that facilitate</u>	<u>As the market take-up of identified standards under the cloud standardisation coordination (CSC) initiative concluded in 2016 has been limited, the Commission also needs to rely on parties in the market to develop relevant open interoperability specifications to keep up with the fast pace of technological development in this industry. Such open interoperability specifications can then be adopted by the Commission in the form of common specifications. In addition, where As market-driven processes have not demonstrated the capacity to establish technical specifications or standards that facilitate effective cloud interoperability at the PaaS (platform-as-a-service) and SaaS (software-as-a-service) levels, the Commission should be able, on the basis of this</u>	DK suggests changing the chronology of recital 76, as this will better reflect the process for developing the necessary technical specifications for interoperability. First, the Commission must request European standardisation bodies to develop standards. Then, in case these are insufficient or non-existing, the Commission may establish implementing acts and adopt common specifications

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	effective cloud interoperability at the PaaS (platform-as-a-service) and SaaS (software-as-a-service) levels, the Commission should be able, on the basis of this Regulation and in accordance with Regulation (EU) No 1025/2012, to request European standardisation bodies to develop such standards, particularly for service types where such standards do not yet exist.	Regulation and in accordance with Regulation (EU) No 1025/2012, to request European standardisation bodies to develop such standards, particularly for service types where such standards do not yet exist. Since the market take-up of identified standards under the cloud standardisation coordination (CSC) initiative concluded in 2016 has been limited, the Commission also needs to rely on parties in the market to develop relevant open interoperability specifications to keep up with the fast pace of technological development in this industry. Such open interoperability specifications can then be adopted by the Commission in the form of common specifications.	
New recital		(New) With a view to establishing, in the most efficient way, common specifications that cover the essential requirements of this Regulation Art. 28 (1), Art. 29 (4a) and Art. 30 (1), the Commission should involve relevant stakeholders in the process.	DK finds it important to add a new recital, stressing the importance of involving relevant stakeholders when establishing common specifications, thereby aligning the text with the Machinery Regulation.

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New recital		(New) Compliance with harmonised standards and common specifications established by the Commission should be voluntary. Alternative technical solutions should therefore be acceptable where compliance with the relevant essential interoperability and smart contracts for data sharing requirements is demonstrated in the technical file.	Denmark finds it important to add a new recital, underlining the voluntary nature of harmonised standards and common specifications, thereby aligning the text with the Machinery Regulation.

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