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WORKING PAPER

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MEETING DOCUMENT

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

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

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

Reference	Fourth compromise proposal	Drafting suggestion	Comment
Article 3 paragraph 1	Products shall be designed and manufactured, and related services shall be designed and provided, in such a manner that data generated by their use that are readily available to the data holder, as well as metadata that is necessary to interpret and use that data, are, by default and free of charge, easily, securely and, where relevant and appropriate, directly accessible to the user, in a structured, commonly used and machine-readable format	Products shall be designed and manufactured implementing data-protection principles such as data minimisation in an effective manner, and related services shall be [...].	Taking into account the amendments to recitals (7) and (19) that we support, we consider it advisable to reflect the same in the text.
Article 6 Paragraph 1	A third party shall process the data made available to it pursuant to Article 5 only for the purposes and under the conditions agreed with the user, and subject to the rights of the data subject insofar as personal data are concerned, and shall delete the data when they are no longer necessary for the agreed purpose.	A third party shall process the data made available to it pursuant to Article 5 only for the purposes and under the conditions agreed with the user, where all conditions and rules provided by data protection legislation are complied with and [...].	Taking into account the amendments to recitals (7) and (19) that we support, we consider it advisable to reflect the same in the text.
Article 15 paragraph 3	The obligation to demonstrate that the public sector body was unable to obtain data by purchasing of the data on the market shall not apply 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.	The obligation to demonstrate that the public sector body was unable to obtain data by purchasing of the data on the market shall not apply in case the specific task in the public interest is the production of official statistics and where the purchase of data is prohibited not allowed or not envisaged by national law.	It is important to ensure that the public sector body when producing official statistics is also exempted if there is no national legislation that expressly prohibits the purchase of data for the production of official statistics.

Reference	Fourth compromise proposal	Drafting suggestion	Comment
Article 20 paragraph 2b	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.	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 not allowed or not envisaged by national law.	It is important to ensure that the public sector body when producing official statistics is also exempted, if there is no national legislation that expressly prohibits the purchase of data for the production of official statistics.

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