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WORKING DOCUMENT

From: To:	General Secretariat of the Council Antici Group (Simplification)
Subject:	Omnibus VII: Digital Omnibus – Presentation by the Commission (AGS on 13 February 2026)

Delegations will find enclosed a presentation as prepared by the Commission for the meeting of the Antici Group (Simplification) on 13 February 2026 regarding the Digital Omnibus (Omnibus VII) - Slides covering Data Act - Written replies for presentation in the Q&A session.

European Commission

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Antici Group on Simplification

16/01/2025

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Data

Data Act

PUBLIC

Data Act – general questions on consolidation

Data Act

PUBLIC

How will consistency with other EU initiatives, e.g. the Data Union Strategy, be achieved and why is there no definition of synthetic data in the Omnibus, if it is one of the focal points of the Strategy?

- The Data Union Strategy and the Digital Omnibus complement each other. Simplification does not come from regulatory simplification alone – other measures are necessary to ensures that true results are achieved. The Data Union Strategy sets out such additional non-regulatory measures and outlines further simplification ambitions.
- The Digital Omnibus proposal does not specifically regulate synthetic data, thus it is not defined explicitly. The ongoing work on synthetic data does not require any legislative measures at the moment.

Data Act

PUBLIC

Does the right to complaint under Article 38 Data Act apply to all chapters of the consolidated Data Act?

- The right to complaint under Article 38 Data Act should not apply to all chapters of the consolidated Data Act.
- Special rules (means of redress) under the rules of the Open Data Directive and Chapter II DGA are maintained, as these regimes serve different purposes.
- For B2G:
  - No changes to the right to issue a complaint
  - Merging of unnecessary duplications in Articles 17(5), 18(5), 20(5) and partially 21(5) into a simplified/unified complaints provision in Article 22a ('Right to lodge a complaint').

Data Act

PUBLIC

Why does the text not contain explicit horizontal provisions on the availability of data within the framework of data spaces?

- The Digital Omnibus Proposal integrates the framework for Data Intermediation Services and Data Altruism Organisations from the DGA and the obligations for participants in Data Spaces from the Data Act.
- Given the scope of the Omnibus as simplification exercise, it seems not adequate to include new horizontal provisions, potentially increasing burdens.
- Data spaces are a voluntary framework in principle, and we see encouraging signs that this model is increasingly adopted by businesses. Thus, we see no need to add new, potentially burdensome rules on data spaces.

Data Act

PUBLIC

Why were not all definitions of the DGA or FFDR incorporated in the Data Act (e.g. access, data sharing etc.)?

The reasons are different – some were not included for streamlining/alignment purposes, others are no longer functional:

- “data sharing”, “services of data cooperatives”, “access”: have no function any more
- “third party”: has different meaning in the Data Act
- “anonymisation”: alignment with the GDPR's understanding to avoid having different standards apply
- “data” (FFDR): meant “non-personal data” as defined in the Data Act
- “draft act” (FFDR): not strictly necessary, self-evident
- other definitions in FFDR are superfluous as provisions are being repealed

PUBLIC

Data Act – Trade Secrets

Data Act – Trade Secrets

PUBLIC

Can the trade secret handbrake be activated based on demonstrable serious harm resulting from the mere sharing of trade secrets with European users or third parties and if yes, doesn‘t this bear the risk of abusing the handbrake to withhold data?

- Already now, trade secrets can be withheld if data holder is able "to demonstrate that it is highly likely to suffer serious economic damage from the disclosure of trade secrets", under specific circumstances.
- The new provisions add an additional ground: "unlawful acquisition, use, or disclosure" of trade secrets to third country or foreign-controlled entities from countries with lower trade secret protection.
- The Data Act's strong safeguards against abuse of the mechanism remain in place:
  - duly substantiated demonstration of objective elements underpinning the refusal
  - notification of the competent authority upon activation of the mechanism.

Data Act – Trade Secrets

PUBLIC

What does the element of „unlawful“ acquision, use, or disclosure of trade secrets to third-country entities mean?

- Unlawfulness in Articles 4(8) and 5(11) is linked to all three actions, i.e. acquisition, use and disclosure.
- It covers third party acquisition, use or disclosure that would be unlawful under EU rules.
- This includes the Data Act and the Trade Secrets Directive (TSD). See in particular TSD Article 4:
    - *Acquiring* a trade secret is unlawful if done through unauthorised access, stealing or copying or dishonest commercial practices.
    - *Using or disclosing* is unlawful if it obtained acquired unlawfully, breaches confidentiality or usage agreements, or where the person knew or ought to have known that the trade secret was obtained unlawfully.

PUBLIC

Data Act – B2G

Data Act – B2G

PUBLIC

Why does the EC deem that clarifications regarding trade secrets in relation to the public sector are necessary?

- The Omnibus does not change provisions in the B2G chapter of the Data Act on how trade secrets are to be handled and their confidentiality is to be preserved.

Data Act – B2G

PUBLIC

Why is there a focus on ‘public emergencies’, but the newly proposed Art 15a(1) still uses the term ‘exceptional need’?

- A definition of ‘exceptional need’ is unnecessary, as the scope of Chapter V is wholly focused on ‘public emergencies’ and that term is well defined in Article 2(29).
- The use of the term ‘exceptional need’ in Article 15a(1) does not affect the operation of the Chapter.
- Deleting the uncertain “exceptional need” route in Article 15(1)(b)(ii), which allowed requests for data for non-emergency situations, simplifies the process, brings clarity, and reduces burdens.

Data Act – B2G

PUBLIC

How do you determine whether non-personal data are insufficient to respond to a public emergency?

- The Article 15a(2) rule allowing requests for personal data where non-personal data are insufficient was moved from the deleted Article 17(2)(e).
- The Omnibus does not make material changes in this respect.
- The requesting body must demonstrate such insufficiency. Other conditions to request data are in Article 17.
- Under Article 18, data holders may challenge the request or submit it to a competent authority.

PUBLIC

Data Act – Cloud

Cloud

Do we understand correctly that the new exception in Article 31(1a) of the Data Act only applies to systems other than IaaS that are highly customized but not custom-built based on Art. 31(1))?

PUBLIC

- In Article 31, a new paragraph 1a is inserted: It creates a lighter regime for data processing services other than IaaS, where the majority of features and functionalities of the data processing service has been *adapted* by the provider to the specific needs of the customer ("custom-made"), if the provision of such services is based on a contract concluded before or on 12 September 2025.
- This category is broader than the existing concept of custom-built data processing services referred to in the existing Article 31(1): These are data processing services of which the majority of main features has been *built* to accommodate the specific needs of an individual customer and where those data processing services are not offered at broad commercial scale via the service catalogue of the provider.

PUBLIC

Data Act – International Data Transfers

Data Act – International Data Transfers

PUBLIC

Does the COM envisage establishing a cooperation mechanism and a technical instrument for cooperation between competent authorities as regards international data transfers?

- No, this is currently not foreseen. However, such discussions may take place in the context of EDIB.

PUBLIC

Data Act – EDIB

Data Act - EDIB

PUBLIC

How will the changes to EDIB affect the functioning and efficiency of meetings? Will the EDIB have a role in reviewing data legislation?

- Outcome: Commission will be able to manage participation better → “shall decide on the composition of the different configurations” (Art 41a(3))
- Intention: separate enforcement questions from strategic discussion (now involving competent MS ministries)
- However: EDIB will not have mandate beyond consultation (no role in comitology, no essential role in legislative process)

Data Act - EDIB

PUBLIC

Will the EDIB have competences for Chapters VI, VIII, VIIc?

- The EDIB was not competent for questions of implementation of Chapter VI and VIII under the Data Act (cloud switching and related standardization).
- EDIB should, however, have competence for Chapter VIIc (re-use of public sector information). Tasks previously were taken up by a separate Commission expert group, the Public Sector Information Group, which is intended to be merged with the EDIB.

PUBLIC

Data Act – Data Intermediation Services Providers (DISPs) & Data Altruism Organisations (DAOs)

Data Act – DISPs & DAOs

PUBLIC

How can the voluntary registration incentivize the uptake on the market? Are there guidelines/supporting documents foreseen for the actors concerned?

- Mandatory regime perceived as “straitjacket”- with legal risks hard to ascertain for a new regime
- New data intermediaries regime offers more flexibility to offer added-value services
- Data altruism organisation (DAO): Burden reduction as reporting obligations disappear (DAOs are free to report on their activities and may have to, as a result of national law on not-for-profit organisations).
- Currently no other guidelines are foreseen

Data Act – DISPs & DAOs

PUBLIC

Does the COM consider rolling out a technical system to report the registry entries to the COM?

- Given the current low number of registrations, this has not been deemed necessary.
- We do not expect this number to become unmanageable in the future, especially with the now voluntary registration for data intermediation services providers.

Data Act – DISPs & DAOs

PUBLIC

The conditions have been simplified for the provision of data intermediation services. Do we understand that, in the new approach, even statistical offices can provide such a service? Or Article 32c para b) constitutes an obstacle to that (the data they collect are used only for the development of that data intermediation service)?

- Yes, also statistical offices can provide intermediation services as was previously also possible.
- Statistical offices would be bound by the conditions in Article 32c; whether any of these conditions makes it unattractive in light of the intended use of the data by the statistical office, would need to be assessed in the individual case.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

Would it not be necessary for the text to address the continuity of the existing registers of data intermediation and data altruism organisations, and how these will be transformed in the future into a register under the Data Act? Presumably, the intention is to avoid any interruption, meaning that entities already registered should be able to continue using the label without having to re-register.

- There could be a transitional rule for entities already registered in the public Union register so as to avoid re-registration. To note that the public Union register already exists and that merely the national registers will be abolished.
- As concerns the role of national competent authorities, the EU rules cannot prescribe – even transitionally – the continued responsibilities of those authorities.

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Data Act – Re-use regime: Merging ODD and Chapter II DGA in general

Data Act – Re-use regime

PUBLIC

What exactly is achieved by integrating ODD and Chapter II DGA into the Data Act?

- Omnibus moves two regimes into one legal act and transforms ODD into regulation.
- Ch II DGA and ODD scope and obligations **remain the same**. However inter alia:
  - Ch II DGA now: includes non-digitised content, has info on means of redress & possibility for online payment
  - Art 5 DGA restructured, streamlined and moved into 32w, 32x without material changes
  - Ch II DGA and ODD now with possibility to have special conditions for "Very Large Enterprises"
  - Clarification on which regime is applicable where data has been anonymized.

- New categories of High value data sets (Annex 1) are adopted with **delegated** act, specific High value data sets are adopted with **implementing** act, thus there is no change.

Data Act – Re-use regime: material scope

PUBLIC

Can you explain the definition of data and documents and what is digitised/non-digitised?

ODD: before

Document covers everything:

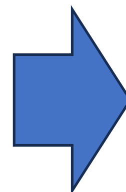
- Any content* or its parts
- in digitised **and** non-digitised form

Data: **Digitised** document

DGA: before

Data: **Digital** content*

~~Documents~~



Data Act: after

Document:

- Any **non-digital** content* or its parts

Data:

- **Digital** content*

--> Chapter VII, VIIc relate to (non-digital) documents and (digital) data.

*Including sound, visual, audiovisual

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Data Act – Re-use regime: material scope

Data Act – Re-use regime: material scope

PUBLIC

Do MS have to amend their implementation laws because of the new definitions regarding data and documents?
Why are sound, visual or audiovisual recordings now in the scope of documents?

- The Data Act as a Regulation would replace the material rules of the national laws transposing the ODD. It also replaces the DGA which already was a regulation. Should the implementation laws for the DGA make specific references to the material scope of the DGA, updates can be necessary to ensure that relevant rules, e.g. on charging or sanctions also cover the re-use of 'documents'.
- The old definition of “documents” included both digitized and non digitized content that included sound, visual and audiovisual content. In order to keep the scope the same, the new definition of documents (= non-digitized content) needs to include sound, visual and audiovisual recordings in scope.

Data Act – Re-use regime

PUBLIC

High value data sets

Data Act – Re-use regime

PUBLIC

In the context of High value data sets, what does "substantial part of their costs relating to the performance of their public tasks" mean? Is there a definition?
Does this mean, under the current and the new framework, that it concerns only public sector bodies that are by law obligated to cover a substantial part of their costs of their public tasks by their own revenues?

- As already under the ODD, there is no legal definition of that term.
- The provision has been integrated into the proposal without changes. The meaning stays the same.
- The provision in Article 32v(5) of the proposal is identical to the current rule in Article 14(5) of the ODD. It is a temporary exception to the general rule that high-value datasets should be provided for free.
- Concerning broader context, the exception for certain public sector bodies "that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks" was introduced by a modification of the original Public Sector Information Directive in 2013 (current article 6(2) ODD – Article 32q(2) of the proposal). As Recital 22 of Directive 2013/37/EU specifies, the obligation to generate revenue can be of legislative or administrative nature. There is no fixed figure defining the substantial part of the costs. Member States have to publish online a list of the public sector bodies that should benefit from this exemption (Article 6(3) of the ODD and Article 32q(3) of the proposal).

PUBLIC

Data Act – Re-use regime: personal scope

Data Act – Re-use regime: personal scope

PUBLIC

What is a public sector body and are there any changes for national central banks?

- Nothing changes with regard to the definition of public sector bodies according to DGA.
- Typical public sector bodies mandated to grant access to data are e.g. national statistical offices.
- Central banks remain in scope of "public sector bodies".
    - Member States do not need to modify or replace their existing dissemination frameworks that comply with ESCB statistical rules.
    - Member States do not need to exclude national central banks explicitly: The mere absence of a "competence under national law to grant or refuse access" (cf. 32w(1)) is sufficient to exempt central banks data from the obligation to grant access for re-use.
    - Confidential datasets held by central banks do not need to be included in the national single information point or asset list unless already publicly available.

Data Act – Re-use regime: personal scope

PUBLIC

The definition of university as a „public sector body" might lead to the problem that in certain MS technical colleges, ie. universities of applied sciences will not be addressed by the definition.

- Only a very minor change with regard to the definition of public sector bodies according to DGA or the ODD.

Old: 'university' means **any** public sector body that provides post-secondary-school higher education leading to academic degrees;

New: 'university' means **a** public sector body that provides post-secondary-school higher education leading to academic degrees;

Data Act – Re-use regime: scope

PUBLIC

Is protected data held by public undertakings now in scope?
How should the relationship between Articles 32i(3) and 32i(2)(c) be understood?

- For public undertakings: Identical to the current situation: data and documents held by (certain) public undertakings are in scope of Chapter VIIc Section 2 (former ODD) but not in scope of Chapter VIIc Section 3 (former Ch II DGA).
- Article 32i(2) enumerates data that are outside of the scope of both regimes, Articles 32i(3) enumerates data that are outside of the scope of the open data regime. Article 32i(2)(c) lists data and documents which are outside of scope for the DGA and ODD regime (excluded from access on grounds of national security). The ODD further excluded documents, which were excluded from access based on statistical confidentiality and commercial confidentiality. However, those data and documents are in scope of the DGA regime. Thus, they are only excluded from scope of Section 2 (ODD regime).

Data Act – Re-use regime: personal scope

PUBLIC

Can the Commission confirm that confidential statistical data collected by central banks under ESCB regulations remain fully outside the scope of Section 2 (open data) and Section 3 (re-use of protected data) of the proposed Regulation?

- Confidential statistical data are currently covered by Regulation (EU)2022/868 – the DGA (cf. Article 3(1)). With the merging of the DGA and the Open Data Directive into the Data Act, the scope is maintained. This becomes clear from a combined reading of Article 32i (2) and (3), which only excludes data protected by statistical confidentiality for section 2 of Chapter VIIc.

Data Act – Re-use regime: personal scope

As regards central banks: Can the Commission confirm that proposed Regulation…

PUBLIC

…allows Member States to explicitly exclude their national central banks from national public-sector data governance measures, in light of their specific EU-law mandates?
Article 32w applies only where national law confers competence to grant or refuse access to protected data. Where no explicit provision on re-use exists, such data are not re-usable under the current Data Governance Act or the future Data Act, and no explicit exclusion is required.

…does not require central banks to modify existing dissemination frameworks, provided they comply with ESCB statistical rules?
Correct. Section 3 applies only where a public sector body has national-law competence to grant or refuse access to protected data, including data subject to statistical confidentiality (Article 32w). This mirrors the current situation under the Data Governance Act and the Open Data Directive.

…allows confidential datasets held by central banks to be excluded from national single information points or asset lists unless already publicly accessible?
Based on the above, datasets whose re-use is not permitted do not need to be included in single information points or asset lists unless they are already publicly accessible.

PUBLIC

Data Act – Re-use regime: other elements

Data Act – Re-use regime: other elements

PUBLIC

Do MS remain free to go beyond the minimum harmonisation requirements of the ODD?

- Yes, Member States may go beyond. The minimum harmonisation principle of the Open Data Directive is maintained in the Data Act (see Article 1(13)).
- Therefore, national legislation on the ODD can continued to be used as far as compatible with this principle and the other rules of the proposed Data Act.

Data Act – Re-use regime: other elements

PUBLIC

What is the interplay between the rules of the amended Data Act and the EHDS Regulation? Should this be clarified in the amended Regulation? Should an explicit reference to the EHDS be added? Is the EHDS secondary use fee structure changed?

- For a range of elements, the DGA is a common legal baseline. For certain elements, specified in the EDHS Regulation, the EHDS Regulation provides for more specific rules.
- The key difference between Chapter II DGA and the EDHS Regulation is that the DGA does not lay down a right to secondary use of (any) protected public sector data.
- Our preference is to avoid – inevitably selective – references to sector-specific regulation. The EHDS Regulation contains a range of recitals and enacting terms that clarify the relationship with the Data Governance Act and the Data Act. These references remain valid also after the modifications brought by the Digital Omnibus.
- Article 62(2) third sentence EHDS Regulation clarifies that the charging rule in Article 6 of the DGA does not apply to public sector bodies in the EHDS secondary use context. There are no changes to this.

Data Act – Re-use regime: other elements

PUBLIC

Article 32 would include obligations for making data available under Chapter VIIc, Section 3 (currently DGA Chapter II), and would impose duties on public sector bodies. How do these obligations, which concern only non personal data, relate to Article 5 DGA (Article 32w DA), which covers both personal and non personal data? Can an implementing act under Article 5(12) DGA (Article 32x DA) limit or reduce the obligations set out in Article 32 DA? What kinds of technical, legal or organisational measures are considered adequate when sharing protected non personal data?

- Article 32 Data Act should be amended in order to incorporate the rules of the current Article 31 DGA. The objective of Articles 31 DGA and 32 Data Act is indeed to protect non-personal data against illegitimate foreign government access requests. They thus concern only a subset of potential cases of re-use under Article 5 DGA (32w Data Act new). The function of the current Article 5(12) DGA is to ensure the protection of commercially confidential data and trade secrets and reduce the need for individual contractual commitments in the sense of Article 5(10) DGA. Article 31 DGA/32 Data Act, on the other hand protect against governmental access requests that do not give due process rights to counter them. An implementing Act under Article 32x Data Act (new, Article 5(12) DGA) thus cannot influence the obligations under Article 32 Data Act.
- As concerns adequate technical, legal or organization measures, providers have a variety of choices. The study to support an impact assessment on enhancing the use of data in Europe of 2022 gives examples (pp. 286 et seq.).

Data Act – Re-use regime: other elements

PUBLIC

- **What is the rationale for extending the exclusivity rules for cultural resources and cultural heritage to the reuse of protected public sector data?**
- **If an exclusivity arrangement is necessary for digitising cultural resources, does that mean Article 32i(3) no longer applies? Does the reference to exclusivity in the context of digitising cultural heritage imply that a protection period may be introduced or extended even when the material is no longer protected by copyright?**

- The rationale is to have one set of rules on exclusive arrangements applicable to both regimes of public sector data reuse. One of those rules concerns the digitisation of cultural resources. It is not expected that protected public sector data will often be concerned by this provision.
- It is not clear why Article 32i(3) should not apply. Exclusive reuse right is not the same as intellectual property right and does not lead to any changes in IP rights.

PUBLIC

Data Act – Re-use regime: Implementation, enforcement

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

Will MS have to change their ODD & DGA implementation structures?
Will this create unclear roles/obligations or require more resources?

- The structures set in place in order to comply with the ODD & DGA (competent bodies, single information point, competent authorities) can stay. Their tasks change only to a certain extent (voluntary regime for DISPs instead of compulsory → burden reduction for public bodies).
- The DGA single information point is transferred to Article 32aa without significant changes including the DGA requirement on necessary resources. The FFPD single information point is abolished.
- The Ex-Data Act and Chapters III, IV enforcement structure in Article 37 is not competent for Chapter VIIc (Chapter II DGA or ODD).
- We understand the need for MS to repeal national transpositions laws for the Open Data Directive and the potential need to adapt the laws on implementing measures for the Data Governance Act. Reasonable time can be given for this.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

How has the effort to modify national legislation and the budgetary impact of the changes been taken into account? Also regarding the mandatory online electronic payment system, which is a new element?

- As explained in the previous round, the extension of the rules on the re-use of protected data (former DGA) should not trigger any legal effects as it remains a national prerogative to define the scope of protected data available for re-use under the rules of the new Section 3 (Article 32w).
- Commission is open to discuss with MS the practical effects of the extension of scope.
- It is correct to note that the obligation to provide the means to pay online in Article 32l (4) also for data previously covered by the Open Data Directive is a new element. The Commission is open to discuss practical issues in relation to the entry into application of this obligation.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

Will there be the requirement of only one single information point per member state (that can be linked to sectoral, regional or local information points) ? or can there now be several single information points per region for example?

- The objective of the Omnibus proposal is to make the Regulation textually more focused on situations that truly need to be laid down in EU legislation. Namely, sentence 3 and 4 of the current Article 8(1) DGA seem not necessary.
- There should only be one Single Information Point per MS.
- MS are free to maintain/establish other Information Points but those would not be considered a Single Information Point under Article 32aa.
- However, it is still possible to link the single information point to sectoral, regional or local information points.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

If Member States where that use one and the same ‘infrastructure’ for both single information point and open data publishing, would this be conform the new provisions of the Data Act?

- Assuming that ‘infrastructure’ refers to a technical system that provides data governance and data management for the publication of open data and the re-use of protected data.
- There is no prohibition in the Proposal of using a single technical system to support the fulfilment of the obligations regarding Articles 32aa (Single Information Point), Article 32z, as well as the re-use of protected data or open government data (Chapter VIIc Sections 1-2) in general as long as all other obligations are fulfilled.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

There is concern that competent authorities currently lack a reliable common IT system for cooperation between authorities in handling complaints under the Data Act (or the Data Governance Act), or otherwise for exchanging information between authorities, the Commission, and the Board, similar to the cooperation mechanisms under the DSA. Is the Commission aware of the practical challenges related to information exchange, and does the Commission have plans to address this situation?

- We are aware of the issues and are working on a solution.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

Article 32z states that Member States must designate competent bodies under Article 37(1) to support public sector bodies. To what extent do these bodies fall under the rest of Article 37, such as the obligations in section 5?

- This reference is a mistake and should be deleted.

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

What investigative and sanctioning powers must Member States grant competent authorities under Article 37(5), particularly in relation to Chapter VIIc? Should these powers include verifying whether: (i) research organisations are making publicly funded research data accessible under Article 32t, and (ii) public sector bodies are making data accessible as required by Chapter VIIc, Section 2? The proposal would apply Article 37 on competent authorities to Chapter VIIc, even though the rules being moved into Chapter VIIc did not previously require such authorities. What is the justification for introducing this new supervisory requirement?

- The Ex-Data Act and Chapter III, IV enforcement structure in Article 37 is not competent for Chapter VIIc (Chapter II DGA or ODD).

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

Do we understand correctly that the tasks of the data coordinator will also cover cooperation on the new types of procedures introduced in the Regulation?

- Yes, as far as Art. 37 applies, which is not the case for Chapter VIIc (ex Chapter II DGA or ex ODD).

Data Act – Re-use regime: Implementation, enforcement

PUBLIC

Why is the Art. 38(3) of the Data Act obliging competent authorities to cooperate (also in cross-border context) in resolving complaints proposed to be deleted?

- The deletion is a clerical mistake. The intention is to preserve the cooperation for resolving complaints.

Data Act – Re-use regime

PUBLIC

Fees & Charging

Data Act – Re-use regime: other elements

PUBLIC

Why are the fees from ODD and DGA not consolidated?
Will there be guidance on the fees and potential exemptions for e.g. Very Large Enterprises or SMEs, Single Information Points, harmonised application of rules or secure processing environments?

- On fees:
  - MS are free to establish a fee catalogue in line with the regulation including possible exemptions e.g. for SMEs or Very Large Enterprises.
  - ODD and DGA have different scopes/obligations: a unified fee structure would contravene the systematic and would put at risk progress made with the ODD.
  - State aid rules (inter alia 107-109 TFEU) continue to apply.
- Guidelines are currently not foreseen except:
  - DCAT-AP as common medata format for data.europa.eu (already in place).
  - EHDS technical specifications for secure processing environments shall be presented to MS once available.
  - EDIB can look into the fees aspect and exemptions for very large enterprises.

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