

# EUROPEAN DATA GOVERNANCE ACT (DGA)

## WHAT IS IT?

It is a horizontal instrument, i.e. applicable to different sectoral areas, to **regulate data reuse and to promote data sharing** under the principles and values of the European Union (EU).

### Regulation (EU) 2022/868 on European Data Governance (DGA)

#### Regula tres aspectos concretos de la compartición de datos:

**1.** The secure and voluntary exchange of **datasets held by public sector bodies**, which are protected by third party rights that hinder their reuse (protection of personal data, intellectual property, commercial confidentiality, etc.).

**2.** **Data intermediation services** between data subjects and their potential users.

**3.** The **altruistic transfer** of data by companies, citizens, etc.

### Regulation (EU) 2023/2854 on harmonised rules on fair access to and use of data (Data Act)

It promotes **harmonised rules on access and fair use of data** in the framework of the European Strategy.

### Directive (EU) 2019/1024 on open data and the reuse of public sector information

It establishes the legal framework for the re-use of public sector information, available to the public as open data.

Shared data must always comply with the **General Data Protection Regulation (GDPR)** - Regulation (EU) 2016/679.

## MAIN OBJECTIVES OF THE EUROPEAN DATA GOVERNANCE REGULATION

**1.** Promote a **single, harmonised data market**, facilitating data sharing across sectors and EU countries.

**2.** Support the **creation and development of common European data spaces** in strategic areas, involving public and private actors.

**3.** Strengthen the **confidence** of citizens and businesses: their data will be reused under their control, in accordance with minimum legal standards.

**4.** **Overcome technical barriers to data reuse**, favouring agility in data handling.



## THE KEYS TO THE DGA

A number of identical mechanisms are put in place across the Union to foster data exchange:



Specific measures are adopted for the public sector, under a governance model that strengthens safeguards:

1. Member States are obliged to establish a **single point of information** subject to third party rights, in order to submit requests to be resolved within two months.
2. It establishes a **notification regime by data intermediation services providers**, which shall be neutral, transparent and non-discriminatory.
3. Mechanisms are created to encourage **altruism and voluntarily facilitate the use of data for the common good**.
4. A **committee of experts** is set up **at European** level to advise the Commission (*European Data Innovation Board*).



1. Public bodies should **promote the necessary technical, organisational and legal measures** to ensure the protection of **shared data**.

2. DGA imposes the obligation that only data subject to third party rights that have been **“pre-processed”** (anonymised, pseudonymised or without confidential information) may be re-used.

3. It is envisaged that **reuse will only be allowed in environments directly controlled by the public body** if there is no alternative.

4. **Effective conditions and mechanisms** are established for cases where data are processed outside the EU.



## WHO IS AFFECTED?

As a Regulation, its direct application is mandatory throughout the European Union. However, **Member States have competence** to:

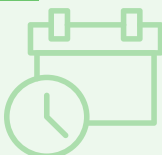
Take the necessary organisational measures.

Legislate on access to public sector information (*the Regulation will not affect existing state rules in this area*).



## WHEN DID IT ENTER INTO FORCE?

DGA entered into force on **23 June 2022**. After a grace period of 15 months, it is **applicable from September 2023**.



## DO YOU WANT TO KNOW MORE ABOUT THE DATA GOVERNANCE REGULATION?

Click on the links below:

- [European Data Governance Act | Shaping Europe's digital future \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room-detail.aspx?lang=en&id=12345)
- [The Data Governance Regulation explained](#)
- [Is the European proposal on data governance a step forward?](#)
- [European data regulation faces the challenge of a harmonized implementation that will boost data sharing](#)
- [The protection of personal data in the Data Governance Act](#)