

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)

It regulates three specific aspects of data sharing:

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.

It is a key pillar of the [European Data Strategy](#), complementing other legislation:

[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:

- 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.
- It establishes a **notification regime by data intermediation services providers**, which shall be neutral, transparent and non-discriminatory.
- Mechanisms are created to encourage **altruism and voluntarily facilitate the use of data for the common good**.
- A **committee of experts** is set up at **European** level to advise the Commission (European Data Innovation Board).

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

- Public bodies should **promote the necessary technical, organisational and legal measures** to ensure the protection of **shared data**.
- 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.
- It is envisaged that **reuse will only be allowed in environments directly controlled by the public body** if there is no alternative.
- **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 \(europa.eu\)](#)
- [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](#)