



EUROPEAN COMMISSION

Brussels, 6.5.2021  
C(2021) 3344 final

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on European Data Governance {COM(2020) 767 final}.*

*This legislative proposal is a first measure to improve the availability of data for economic, scientific and societal purposes. It aims to lay down a set of horizontal rules on which sector-specific rules can be built.*

*The Commission welcomes the thorough analysis that the Bundesrat has carried out on this important subject. This detailed work constitutes an important contribution to the discussion on the future of the data economy.*

*The Commission appreciates the Bundesrat's positive position on the proposal, which aims to find a 'European' way forward to reconcile the objectives of making more data useable in the economy while safeguarding fundamental rights and the interest of companies to maintain the confidentiality of their strategic data.*

*It also appreciates that the proposal's principle of leaving as much margin for manoeuvre as possible for decisions to be taken at national level, in a true spirit of subsidiarity, is welcomed by the Bundesrat.*

*The Commission would like to make a few observations in response to specific points raised in the Opinion.*

*The proposal was designed in a way that ensures full compliance with the General Data Protection Regulation (GDPR). In particular, specific attention was paid to the empowerment of individuals as agents in their own right in the data economy. As the Bundesrat rightly points out, novel players offering relevant services ('data trustees') should be trustworthy also from a data protection point of view. We believe that the proposal already addresses this concern. In particular, it does not foresee any modifications to*

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*the GDPR on the obligations that such service providers would have. It also leaves the rights of supervisory authorities under the GDPR untouched. However, a prior authorisation regime, as suggested in the Bundesrat's Opinion, would add a regulatory burden on such service providers, a burden that is currently not foreseen by the GDPR for any other player in the data economy.*

*As regards data altruism, the proposal recognises the useful role that public sector bodies can play in allowing individuals to make available data held in public registers. Nevertheless, it does not call for the creation of a label to certify such public sector bodies. We believe that the proposal's provision to encourage public sector bodies to facilitate the altruistic use of data held in public registers reflects the German government's plans to allow individuals to make available personal data pertaining to them as of 2023 in the context of the 'Forschungsdatenzentrum Gesundheit'.*

*The Commission will, of course, take into consideration the important points raised in the Bundesrat's Opinion in the ongoing legislative discussions.*

*The Commission hopes that these clarifications address the important issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Thierry Breton  
Member of the Commission*