

## ADVOCACY PLAN

### Data Act

<b>What is the issue and why is it important? (max 200 words)</b>			
Orgalim represents Europe's technology industries, world leaders in connected products and production systems, which are becoming increasingly "intelligent" via data-based services. The transition to a data-driven economy is of paramount importance for the future growth and competitiveness of our industries. We support the objective of fostering Europe's data economy but question a number of the policy instruments proposed in the Data Act to achieve its intended objective. The extensive new design, transparency, contractual and data access obligations imposed on data holders (including manufacturers) will have substantial costs for them, especially for medium-sized enterprises.			
<b>Key Orgalim objectives (+ <a href="#">Link to position paper</a>)</b>			
1. Protection of industrial data (i.e. IPRs/trade secrets)			
2. No to new wide mandatory business-to-government sharing of industrial data			
3. Create a friendly environment for international data transfers			
4. Increase interoperability via industry-driven standards to remove technical barriers to the data economy			
<b>Institutional Process/Advocacy milestones</b>			
When	Development	Orgalim advocacy	Members' advocacy suggestion
May 2021	Inception Impact Assessment	Engagement with Commission	
February 2022	Proposal Publication	Engagement with Commission (continued along the whole procedure)	/
March-October 2022	Preparation of EP draft reports	Engagement with rapporteurs + shadows + Commission	Engagement with own MEP contacts
March 2022- March 2023	Preparation of Council general approach	Engagement with PermReps	Engagement with own governments (incl. PermReps)
September-2022 February 2023	EP amendments/votes	Engagement with rapporteurs + shadows. Event with main rapporteur	Engagement with own MEP contacts
March-June 2023	Trilogues	Engagement with Commission, EP rapporteur and shadows, PermReps	Engagement with own MEPs/ governments (incl. PermReps)
November 2023	Plenary vote	/	/
Q1 2024	OJ publication	/	/
<b>Key decision-makers (10 max)</b>			
Name	Institution / Role	Rationale	Relationship w/ Orgalim
Yvo Volman	DG CNECT	Director of Data Directorate	Distant positions on data act.

Bjoern Juretzki	DG CNECT G.1	Head of Unit since Feb 2023	Constructive meetings during trilogues, reached out to us after data act agreement for feedback
Malte Beyer Katzenberger	DG CNECT G.1	Team leader for data act	Met several times before publication of the Data Act
Pilar del Castillo Vera	MEP (EPP, Spain)	EP Rapporteur DA (ITRE)	Spoke at our online policy exchange on 28/9/2022. Exchanged with APA often. Some constructive exchanges but little opening to fundamental changes.
Iban Garcia del Blanco	MEP (S&D, Spain)	Opinion rapporteur JURI (exclusive competence on trade secrets)	Met early in the process and held several exchanges with APA. Some constructive discussions.
Damian Boeselager	MEP (Greens, Germany)	Shadow DA (ITRE)	Very distant on trade secret protection and data monetisation issues.
Maurits-Jan Prinz	Breton's Cabinet member	Covering Data Act	Constructive exchange on trade secrets protection

### Orgalim Team

Francesco Guerzoni, Senior Adviser  
Working Group: Digital Transformation WG (lead), Legal Affairs WG.

Chairs: Andreas Brunsgaard (DI), then Daniel van Geerenstein (VDMA), then Federico Lucarelli (ANIMA).  
Vice-Chairs: Eva Virtute (FEM/Kion), then My Bergdahl (Teknikföretagen)

### Lessons Learned

- There were structural and fundamental flaws in the Commission's understanding of the current industry practices concerning non-personal data. Three key points (but the list can be longer):
  - Confusion between B2B and B2C practices
  - They found a problem affecting data sharing in a few sectors and to fix it they proposed a regulation affecting all sectors, without a valid impact assessment of the consequences.
  - In part, they contradicted their own studies (eg: one was recommending them not to legislate on trade secret protection of data because the field is too immature, but they did).
- The point above shows the importance of feeding the Commission with our messages very early on, figures and perspective, during the initial stages the drafting of proposals.
- Coalition building was crucial. The joint non-paper we wrote with BusinessEurope on concrete examples of endangered trade secrets and bringing those examples to Breton's Cabinet together was probably one of the single most impactful actions we undertook.
- Given the (too) fast pace of the co-legislators on the file, constant information exchange with like-minded stakeholders was also essential.