

Brussels, 29 January 2021

## Orgalim comments on the Data Governance Act

Orgalim in principle welcomes the proposal of the European Commission for a Regulation on European data governance (Data Governance Act – DGA)<sup>1</sup>. Data access is essential for any successful data-driven business model. We share the Commission's overall objective to foster the availability of data both by increasing trust and by strengthening data sharing mechanisms across the EU Member States. Orgalim strongly believes that the development of trust in data sharing will contribute to unlocking the full potential of the industrial data economy.

We welcome the fact that the DGA creates a regulatory framework for the governance of special categories of public data. Increasing access to, and re-use of, public data will be important to encourage innovation and growth. This initiative also draws up rules for common European data spaces. We believe that having clearer rules will pave the way for the creation of 'sectorial European data spaces' and aid voluntary data sharing in different sectors and domains of public interest, while respecting IPR, data privacy and security requirements. In addition, we would like to stress that contracts in business-to-business (B2B) are crucial, and freedom of contract needs to be a foundational aspect of any European data space.

Orgalim would like to put forward some amendments to Chapter III on requirements applicable to data sharing services;

➤ **Scope:**

- Recital 22 of the proposal mentions that the Regulation does not cover objects and devices connected to the Internet-of-Things, which have as their main objective to ensure functionalities of the connected object or device and allow value-added services. This exemption should also be mentioned in Chapter III, together with the scope and other exemptions, to prevent legal uncertainty and additional bureaucracy for Europe's technology industries.
  - Respect for existing contractual arrangements; there are already many well-functioning data sharing models in the manufacturing industry that are based on contractual arrangements between companies. These mutual arrangements between companies should remain outside the scope. The required amount of trust already exists in these arrangements and needs no interference from the regulator. Therefore, we would support an additional paragraph in Article 9, clarifying that this chapter is not applicable to data sharing in the context of industry arrangements or services, especially those that are already in place.
- The Commission also underlines the importance of dialogue with the experts to successfully implement the data governance framework. It is a timely move to propose setting up a forum for this dialogue – a European Data Innovation Board. In this context, it is crucial that industry is involved in the functioning of this structure. Moreover, we would like to see the technology industries included in the specific sectors listed in the Recital 40 and Article 26,

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0767>

as manufacturing is the backbone of the economy and creates around 14% of the European Union's GDP (2019)<sup>2</sup>. We propose to formulate the Recital 40 as follows: *"In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of **the industry, e.g.**, relevant data spaces and specific sectors (such as health, agriculture, **manufacturing**, transport and statistics) (...)"*. Article 26 should also be changed accordingly.

- Finally, we believe that the incentives to share data must be defined more clearly in the proposal in order to encourage industry to take part in the new ecosystem created by the DGA.

Orgalim believes that sharing data can help address some of society's biggest challenges, while driving innovation and productivity. We support a coordinated European approach to data governance, data access and use in the context of the European data spaces.

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering, electronics, ICT and metal technology branches. Together they represent the EU's largest manufacturing sector, generating annual turnover of €2,298 billion, manufacturing one-third of all European exports and providing 11.55 million direct jobs. Orgalim is registered under the European Union Transparency Register – ID number: 20210641335-88.

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<sup>2</sup> World bank's data ([https://data.worldbank.org/indicator/NV.IND.MANF.ZS?locations=EU&name\\_desc=false](https://data.worldbank.org/indicator/NV.IND.MANF.ZS?locations=EU&name_desc=false))