Specht / Hennemann

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Article-by-Article Commentary

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edited by

Louisa Specht-Riemenschneider
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Preface

The Data Governance Act came into force on 24.6.2022. The regulation is part of a comprehensive legislative package initiated by the EU Commission with its Data Strategy 2020. The main thrust of the data strategy is to increase data use and usability. In order to unfold this potential within the European Union technical standards, data economics, and data law must be calibrated carefully.

To this end, the DGA – together with the new Data Act – forms the core element of the new EU data law. Both regulations target non-personal and personal data equally – which does not mean, of course, that this renders data protection law issues obsolete, quite to the contrary. The DGA applies "without prejudice" to the GDPR. Data protection law shall even take precedence in case of a conflict (Art. 1(3)).

As it is the case with the Data Act, the name of this new regulation raises great expectations that are very much disappointed. The Data Governance Act does not comprehensively regulate the individual, supra-individual or public welfare-related governance of data. Rather, the regulation addresses three selected data-related regulatory fields. The regulations on the re-use of certain categories of public sector data (Art. 3–9) lay down conditions of re-use, but do not establish a right to re-use or a right to access to such data. Data intermediation services are now subject to a notification requirement and relatively strict obligations (Art. 10–14). No distinct (legal) incentives are set to counterbalance the burdens imposed. Similarly, the provisions on data altruism (Art. 16–25) are mainly limited to a registration option for data altruism organisations, which in return may (only) use a new label and a logo. Finally, the DGA encompassed regulations on the international transfer of non-personal data and establishes a new expert body, the European Data Innovation Board.

Consequently, the DGA – like data law in its entirety – cannot be assigned to a specific area of law. Rather, the regulation is based on the phenomenon of (potential) data use between different private and state actors which the legislator seeks to frame through various legislative instruments. The DGA can be qualified as 'market design law' – especially with regard to the intended promotion of data intermediation services. The legislator is not only concerned with reacting to existing market conditions and failures, but with putting certain market-shaping actors on the "playing field".

The great criticism that the DGA has received – and rightly so – has not deterred us from tackling the present article-by-article commentary project – and the criticism does not change the fact that the debate on this legislative piece is highly necessary. Directly or indirectly, almost every private or state actor will have to deal with the DGA in terms of data access and data trading, not least because of the dovetailing with the Data Act. The DGA is applicable from 24.9.2023 (only some of the data intermediation services enjoy an additional grace period until 24.9.2025). Against this background, we are very pleased to be able to present the first commentary in English on the DGA which we hope will provide the reader with an orientation and an overview of the new provisions, with an in-depth analysis on specific questions as well as with suggestions for the interpretation of the often-vague provisions of the Act. The commentary is a translation of our corresponding DGA Commentary published in German in 2023 (Specht/Hennemann, Data Governance Act – Handkommentar, Nomos 2023).

Our special thanks go to the doctoral students and staff of the Chair of Civil Law, Law of the Data Economy, Data Protection, Digitalisation and Artificial Intelligence at the Rheinische Friedrich-Wilhelms-Universität Bonn, especially Bernadette Gottwald and Victoria Winzer, as well as the doctoral students and staff of the Chair of European and International Information and Data Law at the University of Passau and, since

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October 2023, of the Chair of Civil Law, Information Law, Media Law, Internet Law at the University of Freiburg, especially Gregor Lienemann, Marie Wienroeder, Paul Chotjewitz, Johanna Heidbrink, Felix Hungbaur, Livia Leidholdt, Julia Lebmann, and Johannes Schwarzbauer as well as Seren Haliloğlu, Franziska Ruff, Laura Hoffmann and Philipp Kautzsch, for their manifold support in collecting and evaluating literature, for their tireless proofreading and for putting their effort into the burdensome formatting and the drafting of indexes – especially and also for their assistance in the process of translating the German version into the English one.

We also like to express our deepest thanks to Dr. Marco Ganzhorn for his – as always – careful, open-minded, and precise support of our work from the publisher's side.

This volume is hopefully only a starting point to the realm of data law. We very much hope to be able to add a full article-by-article commentary of the Data Act to this volume's next edition.

Bonn and Freiburg, April 2024

Louisa Specht-Riemenschneider *Moritz Hennemann*

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Introduction

German Data Strategies – Aspiration and Reality, in: Hennemann, Moritz (ed), Global Data Strategies, 2023, 51-70.

A. Data governance and Data Governance Act

Data governance is a 'broad field'. At issue are different dimensions of the societal and governmental framing of data. These dimensions can be separated from one another, but are inherently interwoven. Corresponding frameworks extend well beyond the purely regulatory level. *Data governance* requires and encompasses an **overall data-related view of** technology, economy, society, politics and regulation. The technical layer is only the starting point for assessing the generation, storage, analysis and dissemination of data. For data can be conceptually framed and 'controlled' in very different ways. Above all, data is inherently contextual. Its respective 'value' is generally dependent on the objective of processing, on the options of combination with other data and on the available means of analysis. Data is therefore also a '**raw material**' of sometimes only one, but often different (social) data ecosystems: 'Weather data may assist holiday planning just as much as artillery.'[1] 1

The task of modern *data governance* is therefore to **calibrate** the various societal **data ecosystems** – and in essence to define which data flows between which private and/or state actors are considered desirable or undesirable.[2] Not only the often cross-sectoral contextuality of data must be taken into account, but it is also necessary to consistently 'think' in terms of data ecosystems. In corresponding *data spaces* (→ mn. 36), data flows are potentially conceivable between all actors. Regulatory conditions, incentives, and 'stop signs' on the associated 'data highways' must be balanced. 2

In this context, it is particularly important to always keep in mind the inherent **relevance and function of data for society as a whole.** Data as coded information (for the concept of data in the Data Governance Act (DGA) see Art. 2 no. 1; → Art. 2 mn. 33 et seqq.) is associated with entirely different individual, collective, and public welfare-related purposes. In particular, the characteristics of data (non-rivalry and non-exclusivity) require an independent economic consideration of data. Governmental or non-governmental, commercial and non-commercial data strategies are based on the aforementioned parameters in order to define – often in so-called *policy cycles* – adequate access 3

[1] Hennemann/Specht, Datenrealpolitik ist gefragt, 2022 [Translation by the authors].

[2] See in more detail Hennemann, Datenrealpolitik (November 2022), p. 1: 'There is therefore the regulatory task, in recognition of technical and social realities, of calibrating the various data ecosystems and thereby balancing different interests' [Translation by the authors].

to and use of certain data in specific contexts.[3] A precise regulation of data is then (ideally) an outflow of the politically negotiated objectives. Such a regulation of data can be applied (often simultaneously) at different levels.[4] For example, technical specifications for data (such as formats and interoperability), specifications for data localisation (such as storage and transfer specifications), standards for data use (such as legal rights, tradability, usage specifications or prohibitions, access specifications, contractual provisions) by various – private and non-private – actors (such as data holders, data users, data recipients, data intermediaries), as well as specifications for enforcement (such as *public* and *private enforcement* and (regulated) self-regulation) are conceivable.

4 Those who have the understanding of *data governance* outlined above in mind must be disappointed by the Data Governance Act (DGA) (or its name). Those who had hoped for a comprehensive and systematically well-founded access to all aspects of *data governance* will have more questions than answers. If one looks at the new regulation in isolation, one will find a **fragmentary regulation of specific aspects**. Even more, it is rather hard to assign the regulation to a specific area of law. Supposedly disparate, conditions of re-use of public sector data and data intermediation services are established, new specifications are made with reference to a 'data altruism', which seems dazzling but not progressive, guardrails are established for the international transfer of non-personal data and a new advisory body, the European Data Innovation Board, is introduced. Finally, the various regulatory cornerstones are supplemented by parameters for (future) public authorities. The latter at least projects the option (or the nightmare?) of a unitary or of cumulative data authorities on the horizon of *public enforcement* in data law.

5 The DGA can only be understood if one considers the overall social dimension of data and data use outlined above. The DGA recognises the complexity of data use in state and society and provides various regulatory instruments to effectuate associated data ecosystems. This explains that the DGA in its entirety cannot be **assigned to a specific area of law**, but that the regulation is structurally based on the real phenomenon of (potential) data use between different actors. The range extends from the public sector to commercial and non-commercial actors to consumers, as well as from 'hard' behavioural obligations to 'soft' requirements. The selected regulatory approach is thus directed towards a **market design** understood in a broad sense (→ mn. 26).

6 The selected regulatory instruments, in turn, can only be understood through an overall view of the current and future regulatory landscape of data law at EU and national level.[5] Part of the data law 'arena' has existed for some time with the GDPR, the Free Flow of Data Regulation, the PSI Directive and the Trade Secrets Directive.[6] Above all, however, the DGA is **part of the comprehensive legislative package** (together with the DMA and the DSA that have already entered into force and the Data Act which is soon to come) based on the EU's 2020 data strategy (→ mn. 20 et seqq.).[7]

7 Against this background, the DGA **expands and supplements** the existing and future requirements for data use. For example, the provisions on the re-use of special categories of public sector data complement those of the PSI Directive and the corresponding national laws. The provisions on the transfer of non-personal data are to be read in addi-

[3] See comprehensive Hennemann (ed), Global Data Strategies, 2023.

[4] See – with regard to non-personal data – for different and ascending-intensive regulatory options Hennemann, Non-Personal Data Governance (November 2022), p. 107 et seqq.

[5] See the illustrative overview in the Impact Assessment Report on the Data Governance Act proposal, SWD(2020) 295 final, p. 6 et seqq.

[6] See also the Implementing Regulation (EU) 2023/138 laying down a list of specific high-value datasets and the arrangements for their publication and re-use.

[7] On this topic Picht/Richter GRUR Int. 2022, 395; Veil/Weindauer in Hennemann, Global Data Strategies, 2023, p. 51 et seqq.

tion to the corresponding standards for personal data (Art. 44 et seqq. GDPR). The regulations on data intermediation services, as well as the existing provisions of data protection law and the future provisions of the Data Act are meant to interact in a way that benefits the functioning data markets. The provisions on data altruism are intended to strengthen voluntary (and free) disclosure – also in conjunction with data intermediation services.

All (existing and future) legal acts, in turn, are to be understood as central **building blocks of a general data law**. The various legal acts, in particular the DGA, do not longer distinguish between personal and non-personal data from the outset, but instead establish uniform rules for a multitude of actors (→ mn. 32). Data law is directed towards the real phenomenon of data and can be classified as 'market design law' (→ mn. 26) – or as the general part of a law of data ecosystems. The shaping of such a general part, which sets standards equally for non-personal and personal data, leads to the question whether, in regulatory-conceptual terms, the GDPR takes second place, even though data protection law is still of unbroken importance (→ mn. 87). Data law, in turn, takes its place alongside competition law (antitrust and unfair competition law); for example, data intermediation services with market power are exposed to the additional requirements of antitrust law and the DMA at the same time. **8**

B. Initial situation and problem

I. Overall social potential of data use

The starting point for the EU legislator's extensive activity is first of all that the generation and the use of data are seen as having **enormous potential for society as a whole.** In its data strategy, the EU emphasises that '[t]he volume of data produced in the world is growing rapidly, from 33 zettabytes in 2018 to an expected 175 zettabytes in 2025.'[8] Various wealth potentials are named: 'Data will reshape the way we produce, consume and live. Benefits will be felt in every single aspect of our lives (...).'[9] Data is categorised as the 'lifeblood of economic development', the 'basis for many new products and services', leading to 'productivity and resource efficiency gains across all sectors of the economy'.[10] Similarly, beyond the economic dimension, 'better policy making and upgrading government services' are highlighted as results of a promoted data use.[11] The importance of data for (future) key technologies, especially artificial intelligence, for applications such as digital twins in manufacturing, and for fundamental challenges such as climate change is emphasised.[12] **9**

II. Identified deficits

The reason for the *strategic and regulatory* framing of data are concrete deficits in the overall societal use of data that the Commission has identified. **10**

[8] COM(2020) 66 final, p. 2. Further figures on non-realised potential in SWD(2020) 295 final, p. 9 et seq.
[9] COM(2020) 66 final, p. 2. See also rec. 2 DGA.
[10] COM(2020) 66 final, p. 2. See also rec. 2 DGA.
[11] COM(2020) 66 final, p. 2.
[12] COM(2020) 66 final, p. 2 et seq.

Introduction

1. Data availability and barriers to data sharing

11 Above all, the Commission identifies as a central problem that data, despite its potential[13], is not generated and (then) shared to a sufficient extent[14], i.e. the availability (and allocation) of data is not adequate.[15] Unsatisfactory factors include insufficient *data governance* (→ mn. 1 et seq.), inadequate exercise of existing rights (such as the right to data portability pursuant to Art. 20 GDPR), constellations of unequal market power, lacking data interoperability, and data quality problems, infrastructural and technological dependencies, as well as a rather low level of data competence in society as a whole and a need for improvements in cyber security.[16] According to the Commission, there are **deficits in the availability and use of data** for the relationships government-to-business (G2B) and business-to-government (B2G), as well as for the relationships business-to-business (B2B) and government-to-government (G2G).[17]

12 The Commission succinctly summarises certain deficits in the **Data Act**, which the DGA is also intended to help overcome. Rec. 2 Data Act states: 'Barriers to data sharing prevent an optimal allocation of data for the benefit of society. Those barriers include a lack of incentives for data holders to enter voluntarily into data sharing agreements, uncertainty about rights and obligations in relation to data, the costs of contracting and implementing technical interfaces, the high level of fragmentation of information in data silos, poor metadata management, the absence of standards for semantic and technical interoperability, bottlenecks impeding data access, a lack of common data sharing practices and the abuse of contractual imbalances with regard to data access and use.'

2. In particular: Data Governance Act

13 Specifically for the fields of action relevant in the context of the DGA, the **Impact Assessment Report** identifies various drivers: 'low trust in data sharing, issues related to the reuse of public sector data and data collection for the common good, technical obstacles'.[18] As a consequence, there is a high degree of market concentration, insufficient leveraging of the existing potential, and a 'lack of cross-border, data-driven innovation, products and services'.[19]

3. Regulatory fragmentation

14 In the context of the EU data strategy, the Commission also points out that, in addition, different regulatory approaches in the Member States can lead to **legal fragmentation** and therefore 'the vision of a common European data space and for the further development of a genuine single market for data' is in question.[20]

4. Interim result

15 The deficits mentioned underscore that the Commission is from the outset looking at existing or potential disadvantages to the detriment of European actors or the conditions

[13] Figures at SWD(2020) 295 final, p. 9 et seq.
[14] See the Problem Tree on European Data Governance and explanations in the Impact Assessment Report on the proposal for the Data Governance Act (SWD(2020) 295 final, p. 8).
[15] COM(2020) 66 final, p. 6 et seq.
[16] COM(2020) 66 final, p. 8 et seqq.
[17] COM(2020) 66 final, p. 7 et seq.
[18] SWD(2020) 295 final, p. 8.
[19] SWD(2020) 295 final, p. 8.
[20] COM(2020) 66 final, p. 6.

for ***data governance*** **conceived as a society-wide issue.** Indirectly, however, the statements are also an admission that the previous (legal) framework is apparently not ideal, at least with regard to the data and digital economy. For example, it is stated that 'a small number of Big Tech firms hold a large part of the world's data. This could reduce the incentives for data-driven businesses to emerge, grow and innovate in the EU today'.[21] Similarly, the new requirements for data altruism organisations, for example, implicitly acknowledge the fact that the provisions of the GDPR are not sufficient on their own as a guarantor of trust (→ Art. 16 mn. 24).

III. Geopolitical dimension

The Commission has underlined in its data strategy that the (effective) use of data also has a geopolitical dimension. **16**

1. Global competition and competition between legal systems

Reference is made not only to trade policy rivalries with other parts of the world, but also to **competition between legal systems**:[22] 'But the sources of competitiveness for the next decades in the data economy are determined now. (...) [C]ompetitors such as China and the US are already innovating quickly and projecting their concepts of data access and use across the globe.'[23] **17**

2. Societal dimension(s)

Aptly, the Commission also points out that fundamental societal choices are also revealed in the handling of data: 'In the US, the organisation of the data space is left to the private sector, with considerable concentration effects. China has a combination of government surveillance with a strong control of Big Tech companies over massive amounts of data without sufficient safeguards for individuals.'[24] The discourse about the adequate calibration of different data spaces (→ mn. 36) should therefore also be understood as a struggle about the desired degree of societal **'performance' through data**, which goes hand in hand with the balancing of multipolar, often opposing interests.[25] **18**

IV. Interim result

Despite the deficits outlined and the current geopolitical situation, the Commission sees the EU or the European Single Market on the upswing, as '[a] large part of the data of the future will come from industrial and professional applications, areas of public interest or internet-of-things applications in everyday life, areas where the EU is strong.'[26] It is optimistically emphasised that 'the winners of today will not necessarily be the winners of tomorrow'.[27] **19**

[21] COM(2020) 66 final, p. 3.
[22] In detail and with reference to data protection law Hennemann RabelsZ 84 (2020), 864.
[23] COM(2020) 66 final, p. 3.
[24] COM(2020) 66 final, p. 3.
[25] See also Hennemann, Datenrealpolitik (November 2022), p. 2 et seq.
[26] COM(2020) 66 final, p. 3.
[27] COM(2020) 66 final, p. 3.

C. Data policy and data strategy

20 Against this backdrop, the Commission postulates the goal of 'find[ing] our European way' with the aim of 'balancing the flow and wide use of data, while preserving high privacy, security, safety and ethical standards'.[28] The EU data strategy[29] aims to **improve data-driven decision-making in** both the private and public sector and thus 'the opportunity presented by data for social and economic good'.[30] The inherent 'potential should be put to work to address the needs of individuals and thus create value for the economy and society'.[31] According to the Commission, 'there is a need to ensure better access to data and its responsible usage'.[32]

I. Fundamental pillars

21 In detail, the data strategy therefore relies on the following **four pillars** or fields of action: (1) 'A cross-sectoral governance framework for data access and use', (2) 'Enablers: Investments in data and strengthening Europe's capabilities and infrastructures for hosting, processing and using data, interoperability', (3) 'Competences: Empowering individuals, investing in skills and in SMEs', and (4) 'Common European data spaces in strategic sectors and domains of public interest'.[33] Pillar (1) is the basis of the comprehensive legislative activities in data law since 2020, the outcome of which is also and especially the DGA.

1. Data usability and data use

22 The central leitmotif of the EU data strategy is data usability and data use. Non-personal and personal data should be shared (more) in order to leverage the innovation potential inherent in data.[34]

23 This leitmotif should also and especially be understood as a conceptual **departure** from a purely data protection law-shaped view of data use. Modern data law (→ mn. 77 et seqq.) pursues an approach that is distinctly different from data protection law, which has – at least traditionally – been understood to be quite protection-biased (inter alia with regard to the data minimisation principle).[35] Data protection law is, at least in its basic configuration (Art. 6 GDPR), rather 'processing-unfriendly'. Data law correctly emphasises the often neglected second dimension of data protection law, which, in addition to the protection of personal data, should always also serve the **free movement of data** (Art. 1(1) GDPR). Although a high level of data protection law is also and especially emphasised in the context of the EU data strategy (and the legislative acts based on it),[36] data protection and data usability are not thought of as opposites, but as compatible with one another.

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[28] COM(2020) 66 final, p. 3.

[29] See in detail Veil/Weindauer in Hennemann, Global Data Strategies, 2023, p. 51 et seqq. See also Schreiber/Pommerening/Schoel New Data Governance Act Ch. 1 mn. 8 et seqq.

[30] COM(2020) 66 final, p. 4.

[31] COM(2020) 66 final, p. 4.

[32] COM(2020) 66 final, p. 4.

[33] COM(2020) 66 final, p. 11 et seqq.

[34] See on the corresponding expectations also in quantitative terms EU Commission, SWD(2020) 295 final, p. 1 et seqq.

[35] Steinrötter ZD 2021, 61 (61).

[36] See for example COM(2020) 66 final, p. 4.

For example, the possibility of data altruistic sharing of personal as well as non-personal data may also be interpreted as a ramification of a transition from data protection to **'data sovereignty'** (understood here as the 'ownership' and exercise of control over data).[37] For the disclosure of personal data can be understood in this context precisely as an expression of the one's personality, whereby the movement of personal data (Art. 1(1) GDPR) is (or can be) promoted on a voluntary basis.[38] 24

The availability of data to share and the simple access to data for natural and legal persons are increased by existing and future instruments (on the one hand, the right **to data portability** according to Art. 20 GDPR and, on the other hand, the **right of access** under Art. 4 et seq. Data Act). 25

2. Market design

In particular, it should be emphasised that the strategic and regulatory activities always target non-personal and personal data equally. Likewise, not only certain actors are addressed (such as market-dominant companies), but a general, comprehensive regulatory approach is pursued. The DGA is not limited to selective regulatory interventions but aims at a **comprehensive 'market design'** (or a general part of the regulation of data ecosystems) (→ mn. 5). As a result, the regulatory layer of data law is based on a conceptually more comprehensive approach than, for example, that of competition law. 26

II. Common European data spaces

The concept of common European data spaces presented in the course of the data strategy (see also → mn. 36 and 58) is representative of an overall societal and thus multidimensional perspective on data use and sharing.[39] In this way, the Commission takes on the task of calibrating various societal relevant **data ecosystems** and thus also of defining which data flows between which private and/or state actors are classified as desirable or undesirable (→ mn. 2). The Commission aims to 'think' in terms of data ecosystems and therefore in terms of potential uses for the benefit of different private and state actors: 'Data spaces should foster an ecosystem (of companies, civil society and individuals) creating new products and services based on more accessible data.'[40] Conceptually, the public sector in particular is also addressed, as it could increase its 'own ability to employ data for decision-making and public services' and update 'regulation and sectoral policies to reflect the opportunities provided by data.'[41] 27

1. Characteristics and principles

The concept of the common European data spaces has been further developed and refined in the meantime.[42] In this context, Art. 30(h) DGA **(legally) defines** the European data spaces as 'purpose- or sector-specific or cross-sectoral interoperable frameworks of common standards and practices to share or jointly process data'. 28

The Commission identifies the following **core characteristics** of common European data spaces: '[1] A secure and privacy-preserving infrastructure to pool, access, share, 29

[37] Steinrötter ZD 2021, 61 (62). See in this regard – and also with references to the different understandings of (data) sovereignty – among others Hornung/Schomberg CR 2022, 508.
[38] See Freiherr von Ulmenstein PinG 2020, 47 (48).
[39] COM(2020) 66 final, p. 4 et seqq.
[40] COM(2020) 66 final, p. 5.
[41] COM(2020) 66 final, p. 5.
[42] See comprehensively SWD(2022) 45 final.

process and use data. [2] A clear and practical structure for access to and use of data in a fair, transparent, proportionate and/non-discriminatory manner and clear and trustworthy data governance mechanisms. [3] European rules and values, in particular personal data protection, consumer protection legislation and competition law, are fully respected. [4] Data holders will have the possibility, in the data space, to grant access to or to share certain personal or non-personal data under their control. [5] Data that is made available can be reused against compensation, including remuneration, or for free. [6] Participation of an open number of organisations/individuals.'[43] In addition, the design of European data spaces should be based on the principles of *data control*, *governance*, *respect of EU rules and values*, *technical data infrastructure*, *interconnection and interoperability,* and *openness.*[44]

2. Individual European data spaces

30 At present, different **sector-specific approaches** are being discussed. The Commission is focusing on data spaces for the following areas or sectors: Common European industrial (manufacturing) data space, Common European Green Deal data space, Common European mobility data space, Common European health data space, Common European financial data space, Common European energy data space, Common European agriculture data space, Common European data spaces for public administrations, Common European skills data space, European Open Science Cloud, Common European data space for media, and Common European data space for cultural heritage.[45]

31 The Commission has so far presented a proposal for a **Regulation on a European Health Data Space** (EHDS).[46]

III. Rules for a 'Single Market for Data'

32 In the context of its data strategy, the Commission also emphasises the task of creating 'an **attractive policy environment**' and the goal of 'a genuine single market for data'.[47] Such a single market is characterised by the fact that it is 'open to data from across the world – where both personal as well as non-personal data, including sensitive business data, are secure and businesses also have easy access to an almost infinite amount of high-quality industrial data (…) This favourable context, promoting incentives and choice, will lead to more data being stored and processed in the EU.'[48] In order for actors to 'build on the scale of the Single market', **key regulatory areas of action are** identified: 'Common European rules and efficient enforcement mechanisms should ensure that [1] data can flow within the EU and across sectors; [2] European rules and values, in particular personal data protection, consumer protection legislation and competition law, are fully respected; [3] the rules for access to and use of data are fair, practical and clear, and there are clear and trustworthy data governance mech-

[43] SWD(2022) 45 final, p. 2 et seq.

[44] SWD(2022) 45 final, p. 3 et seq. See also rec. 2: '(...) the Commission proposed to establish common European data spaces for different areas for data sharing and aggregation. (...) [The] common European data spaces [may] cover areas such as health, mobility, manufacturing, financial services, energy and agriculture, or a combination of these, for example energy and climate, as well as topics such as the European Green Deal or European data spaces for public administration or skills.'.

[45] SWD(2022) 45 final, p. 12 et seqq.

[46] COM(2022) 197 final.

[47] COM(2020) 66 final, p. 4 et seq.

[48] COM(2020) 66 final, p. 4 et seq.

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