

DA.204 Crossborder requests

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Last update: 2023-08-09 22:04:54 | By: Winfried Veil

Created at: 2022-03-18 11:36:01

Art. 22 Data Act - Trialogue Agreement

Mutual assistance and cross-border cooperation

1. Public sector bodies and the Commission, the European Central Bank and Union bodies shall cooperate and assist one another, to implement this Chapter in a consistent manner.

2. Any data exchanged in the context of assistance requested and provided pursuant to paragraph 1 shall not be used in a manner incompatible with the purpose for which they were requested.

3. Where a public sector body intends to request data from a data holder established in another Member State, it shall first notify the competent authority of that Member State as referred to in Article 31, of that intention. This requirement shall also apply to requests by the Commission, the European Central Bank and Union bodies. The request shall be evaluated by the competent authority of the Member State where the data holder is established.

4. After having examined the request in the light of the requirements under Article 17, the relevant competent authority shall take one of the following actions:

(a) transmit the request to the data holder and, if applicable, advise the requesting public sector body, the Commission, the European Central Bank or Union body of the need, if any, to cooperate with public sector bodies of the Member State in which the data holder is established, with the aim of reducing the administrative burden on the data holder in complying with the request. The requesting public sector body, the Commission, the European Central Bank or Union body shall take the advice of the relevant competent authority into account;

(b) reject the request of the public sector body requesting the data for duly substantiated reasons, in accordance with this Chapter. The requesting public sector body shall take the advice of the relevant competent authority into account before possibly resubmitting the request;

(c) reject the request of the Commission, the European Central Bank or the requesting Union body for duly substantiated reasons, in accordance with this Chapter. The Commission, the European Central Bank or the requesting Union body shall take the reservations into account before possibly resubmitting the request.

The competent authority shall act without undue delay.