

*Courtesy translation*

## Opinion

pursuant to Art. 23e Federal Constitutional Law

of the Standing Sub-Committee on European Union Affairs of the Main Committee of  
the National Council

of 5 December 2022

**COM(2021) 197 final** Proposal for a Regulation of the European Parliament and of  
the Council on the European Health Data Space

The Austrian Federal Government, in particular the responsible Federal Minister for  
Social Affairs, Health, Care and Consumer Protection, is requested to

- to ensure a high level of data protection and, in any case, compliance with the provisions of the General Data Protection Regulation (GDPR) and to ensure that well-tried existing national provisions are not undermined. In any case, this includes ensuring the right of natural persons to at least an opt-out regulation as well as advocating for an opt-in regulation in the area of secondary use; in doing so, care must be taken to ensure that the separation of health data, financial or billing data and general data of insured persons implemented in the Austrian health system in electronic data management is maintained;
- to advocate that a comprehensive weighing of all interests (in particular the right to data protection versus the right to the best possible medical care) takes place before access to health data;
- to advocate that, in the interests of legal certainty, the Commission's power to adopt delegated acts and implementing acts be interpreted in a restrictive manner, at least in accordance with the Commission's competences, in line with Art. 290 and Art. 291 TFEU;

- to advocate that sufficient financial resources are made available for the necessary transformation of the national data architecture by the Commission;
- to advocate that the financing of the emerging dataspace and its facilities is ensured by appropriate provisions, so that the bodies entrusted with public authority tasks are able to act in a high-quality manner, based on expertise in data protection law, technology and health science;
- to work towards shortening the evaluation periods provided for in the proposal so that any necessary adjustments can be made more quickly.