Basic information

2022/0047(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Data Act **Subject** 1.20.05 Public access to information and documents, administrative practice 1.20.09 Protection of privacy and data protection 2.40 Free movement of services, freedom to provide 3.30.06 Information and communication technologies, digital technologies 3.30.25 International information networks and society, internet 3.50.04 Innovation **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	DEL CASTILLO VERA Pilar (EPP)	31/03/2022
	Shadow rapporteur KUMPULA-NATRI Miapetra (S&D) MITUȚA Alin (Renew) BOESELAGER Damian (Greens/EFA) DE LA PISA CARRIÓN Margarita (ECR) LIZZI Elena (ID) KOUNTOURA Elena (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection (Associated committee)	BIELAN Adam (ECR)	11/05/2022
JURI Legal Affairs (Associated committee)	GARCÍA DEL BLANCO Ibán (S&D)	28/02/2022

	LIBE Civil Liberties, Justice and Home Affairs (Associated committee)	LAGODINSKY Sergey (Greens/EFA)	15/06/2022
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Communications Networks, Content and Technology	BRETON Thierry	
European Economic and Social Committee			

Key events

Date	Event	Reference	Summary
23/02/2022	Legislative proposal published	COM(2022)0068	Summary
23/03/2022	Committee referral announced in Parliament, 1st reading		
07/07/2022	Referral to associated committees announced in Parliament		
09/02/2023	Vote in committee, 1st reading		
28/02/2023	Committee report tabled for plenary, 1st reading	A9-0031/2023	
14/03/2023	Decision by Parliament, 1st reading	T9-0069/2023	Summary
14/03/2023	Results of vote in Parliament		
14/03/2023	Debate in Parliament		
14/03/2023	Matter referred back to the committee responsible for interinstitutional negotiations		
19/07/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE751.822 GEDA/A/(2023)004595	
09/11/2023	Decision by Parliament, 1st reading	T9-0385/2023	Summary
09/11/2023	Results of vote in Parliament		
27/11/2023	Act adopted by Council after Parliament's 1st reading		
13/12/2023	Final act signed		
03/01/2024	Final act published in Official Journal		

Technical information

Procedure reference	2022/0047(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation

Legal basis	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/08515

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE732.704	14/09/2022	
Amendments tabled in committee		PE738.509	09/11/2022	
Amendments tabled in committee		PE738.511	09/11/2022	
Amendments tabled in committee		PE738.548	09/11/2022	
Amendments tabled in committee		PE738.549	09/11/2022	
Committee opinion	IMCO	PE736.701	25/01/2023	
Committee opinion	JURI	PE736.696	26/01/2023	
Committee opinion	LIBE	PE737.389	02/02/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0031/2023	28/02/2023	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0069/2023	14/03/2023	Summary
Text agreed during interinstitutional negotiations		PE751.822	14/07/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0385/2023	09/11/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2023)004595	14/07/2023	
Draft final act	00049/2023/LEX	13/12/2023	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0068	23/02/2022	Summary
Document attached to the procedure	SEC(2022)0081	24/02/2022	
Document attached to the procedure	SWD(2022)0034	24/02/2022	
	SWD(2022)0035		

Document attached to the procedure		24/02/2022	
Commission response to text adopted in plenary	SP(2023)632	31/01/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_SENATE	COM(2022)0068	24/05/2022	
Contribution	DE_BUNDESRAT	COM(2022)0068	28/06/2022	
Contribution	FR_SENATE	COM(2022)0068	17/05/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0850/2022	15/06/2022	
CofR	Committee of the Regions: opinion	CDR1959/2022	30/06/2022	
ECB	European Central Bank: opinion, guideline, report	CON/2022/0030 OJ C 402 19.10.2022, p. 0005	05/09/2022	

Additional information

Source	Document	Date
European Parliament	Briefing	07/10/2022
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
MITUȚA Alin	Shadow rapporteur	ITRE	17/11/2023	NVIDIA Corporation
MITUȚA Alin	Shadow rapporteur	ITRE	17/11/2023	Google Ireland Limited and its affiliates
MITUȚA Alin	Shadow rapporteur	ITRE	16/11/2023	Uber
MITUȚA Alin	Shadow rapporteur	ITRE	18/09/2023	Tesla
MITUȚA Alin	Shadow rapporteur	ITRE	08/06/2023	Stellar Development Foundation
	Shadow			

MITUȚA Alin	rapporteur	ITRE	02/06/2023	Orange
MITUȚA Alin	Shadow rapporteur	ITRE	01/06/2023	European Tech Alliance
MITUȚA Alin	Shadow rapporteur	ITRE	16/05/2023	Xiaomi Technology Netherlands B.V.
MITUȚA Alin	Shadow rapporteur	ITRE	16/05/2023	Uber
LIZZI Elena	Shadow rapporteur	ITRE	27/04/2023	Aula Europe Wärtsilä Corporation
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	26/04/2023	Global Counsel Limited
MITUȚA Alin	Shadow rapporteur	ITRE	26/04/2023	Airbus
MITUȚA Alin	Rapporteur	ITRE	26/04/2023	Airbus
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	25/04/2023	Andurand, Balyasny Asset managment, commonwealth bank, ENI, Exxon, EY, Generali, HSBC, JP Morgan, MFS, Oliver Wyman, PGGM, Point 72, QBE, Raytheon, Rokos, Sarasin, Shein, SSiemens, Temasek, Wellington
MITUȚA Alin	Shadow rapporteur	ITRE	25/04/2023	Computer & Communications Industry Association
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	12/04/2023	CEOE
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	28/03/2023	CERRE
MITUȚA Alin	Shadow rapporteur	ITRE	23/03/2023	Hanbury Strategy and Communications Limited
LIZZI Elena	Shadow rapporteur	ITRE	23/03/2023	Alliance for the Freedom of Car Repair
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	15/03/2023	AMCHAM
BIELAN Adam	Rapporteur for opinion	IMCO	15/03/2023	American Chamber of Commerce
MITUȚA Alin	Shadow rapporteur	ITRE	14/03/2023	American Chamber of Commerce to the European Union
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	08/03/2023	Technology Industries of Finland (Teknologiateollisuus ry)
MITUȚA Alin	Shadow rapporteur	ITRE	15/02/2023	Federation Bancaire Francaise
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	15/02/2023	Google Ireland Limited and its affiliates
MITUȚA Alin	Shadow rapporteur	ITRE	09/02/2023	Ledger SAS
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	08/02/2023	DATEV eG

MITUȚA Alin	Shadow rapporteur	ITRE	07/02/2023	U.S Mission to EU
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	07/02/2023	Airbus
PENKOVA Tsvetelina	Shadow rapporteur	ITRE	31/01/2023	VMware International Unlimited Company
MITUȚA Alin	Shadow rapporteur	ITRE	25/01/2023	Ford Motor Company
MITUȚA Alin	Shadow rapporteur	ITRE	24/01/2023	Zurich Insurance Company Ltd
MITUȚA Alin	Shadow rapporteur	ITRE	24/01/2023	Honda Motor Europe
MITUȚA Alin	Shadow rapporteur	ITRE	17/01/2023	Lufthansa Group
MITUȚA Alin	Shadow rapporteur	ITRE	17/01/2023	Insurance Europe
MITUȚA Alin	Shadow rapporteur	ITRE	17/01/2023	European Alliance for Research Excellence
LIZZI Elena	Shadow rapporteur	ITRE	17/01/2023	FIPRA International SRL
GEESE Alexandra	Shadow rapporteur	IMCO	12/01/2023	Deutsche Telekom
MITUȚA Alin	Shadow rapporteur	ITRE	11/01/2023	Airbus SAFRAN
LAGODINSKY Sergey	Rapporteur for opinion	LIBE	11/01/2023	Tesla Motors Netherlands B.V.
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	10/01/2023	CEGAA, FAGENAUTO
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	10/01/2023	Wärtsilä
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	10/01/2023	Wärtsilä Corporation
MITUȚA Alin	Shadow rapporteur	ITRE	13/12/2022	Google Ireland Limited and its affiliates
LIZZI Elena	Shadow rapporteur	ITRE	09/12/2022	UNIFE
LIZZI Elena	Shadow rapporteur	ITRE	05/12/2022	Associazione Nazionale fra le Imprese Assicuratrici
MITUȚA Alin	Shadow rapporteur	ITRE	01/12/2022	SNCF Connect
MITUȚA Alin	Shadow rapporteur	ITRE	15/11/2022	Mastercard Europe
KALJURAND Marina	Shadow rapporteur for opinion	LIBE	15/11/2022	DG Connect
MELCHIOR Karen	Shadow rapporteur	JURI	11/11/2022	Bavarische Motorwerke Akiengesellschaft (BWM Group)

MELCHIOR Karen	Shadow rapporteur	JURI	31/10/2022	Honda Motor Europe
MELCHIOR Karen	Shadow rapporteur	JURI	28/10/2022	Open Future
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	28/10/2022	FiCom ry
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	27/10/2022	Wärtsilä Corporation
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	27/10/2022	DOT Europe
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	27/10/2022	Honda Motor Europe
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	27/10/2022	Twilio Europe
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	27/10/2022	EARE
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	26/10/2022	TEDAE Asociacion Española de industrias de Defensa, Seguridad, Aeronautica y Espacio
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	26/10/2022	Targeting Startups
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	26/10/2022	BDEW Bundesverband der Energie- und Wasserwirtschaft e. V.
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	26/10/2022	Video Games Europe
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	25/10/2022	google
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	25/10/2022	ETNO
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	25/10/2022	Valmet Oyj
GARCÍA DEL BLANCO Ibán	Rapporteur for opinion	JURI	24/10/2022	BMW
MELCHIOR Karen	Shadow rapporteur	JURI	24/10/2022	Koninklijke Philips
MELCHIOR Karen	Shadow rapporteur	JURI	21/10/2022	European Banking Federation
LIZZI Elena	Shadow rapporteur	ITRE	21/10/2022	Google Ireland Limited and its affiliates
GARCÍA DEL BLANCO Ibán	Rapporteur for opinion	JURI	20/10/2022	BMW

MITUȚA Alin	Shadow rapporteur	ITRE	20/10/2022	UNIFE
MITUȚA Alin	Shadow rapporteur	ITRE	20/10/2022	APPLiA (Home Appliance Europe)
GARCÍA DEL BLANCO Ibán	Rapporteur for opinion	JURI	19/10/2022	Tik Tok
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	19/10/2022	UNIFE
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	19/10/2022	Scaleway
LIZZI Elena	Shadow rapporteur	ITRE	18/10/2022	European Statistical Advisory Committee
MELCHIOR Karen	Shadow rapporteur	JURI	17/10/2022	Bitkom e.V.
MELCHIOR Karen	Shadow rapporteur	JURI	17/10/2022	APPLiA (Home Appliance Europe)
MELCHIOR Karen	Shadow rapporteur	JURI	17/10/2022	MedTech Europe
MELCHIOR Karen	Shadow rapporteur	JURI	14/10/2022	VDA
MELCHIOR Karen	Shadow rapporteur	JURI	14/10/2022	Amazon Europe Core SARL
MELCHIOR Karen	Shadow rapporteur	JURI	14/10/2022	Amazon Europe Core SARL
LIZZI Elena	Shadow rapporteur	ITRE	14/10/2022	FIPRA International SRL
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	13/10/2022	MedTech Europe
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	13/10/2022	AT&T, Inc.
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	13/10/2022	SME Europe
GEESE Alexandra	Shadow rapporteur	IMCO	13/10/2022	Eurocities Max Planck Institute Foundation Luxemburg Stichting Open Future
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	12/10/2022	spanish chief dat protecction officer (Alberto Palomo), Sunrise (Eric Pol)
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	12/10/2022	BUSINESSEUROPE
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	12/10/2022	Newgovernance
LIZZI Elena	Shadow rapporteur	ITRE	12/10/2022	Alliance for the Freedom of Car Repair FIGIEFA - Fédération Internationale des Grossistes, Importateurs & Exportateurs en Fournitures Automobiles / International Federation of Automotive Distributors
	Shadow			

MITUȚA Alin	rapporteur	ITRE	11/10/2022	Robert Bosch GmbH
MITUȚA Alin	Shadow rapporteur	ITRE	11/10/2022	General Electric Company
MITUȚA Alin	Shadow rapporteur	ITRE	11/10/2022	RENAULT
MITUȚA Alin	Shadow rapporteur	ITRE	11/10/2022	Splunk
MITUȚA Alin	Shadow rapporteur	ITRE	11/10/2022	Orange Belgium
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	11/10/2022	Pagonxt
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	11/10/2022	Association des grandes entreprises françaises / Association of large French companies
MITUȚA Alin	Shadow rapporteur	ITRE	11/10/2022	Association des grandes entreprises françaises / Association of large French companies
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	11/10/2022	Federation of Finnish Enterprises (Suomen Yrittäjät ry)
MITUȚA Alin	Shadow rapporteur	ITRE	11/10/2022	viagogo GmbH
LIZZI Elena	Shadow rapporteur	ITRE	10/10/2022	Trilligent Xiaomi Technology Netherlands B.V.
MELCHIOR Karen	Shadow rapporteur	JURI	10/10/2022	eu travel tech
MITUȚA Alin	Shadow rapporteur	ITRE	10/10/2022	BUSINESSEUROPE
MELCHIOR Karen	Shadow rapporteur	JURI	07/10/2022	Telefonica, S.A.
MELCHIOR Karen	Shadow rapporteur	JURI	07/10/2022	Independent Retail Europe (formerly UGAL - Union of Groups of Independent Retailers of Europe)
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	06/10/2022	BEUC
MITUȚA Alin	Shadow rapporteur	ITRE	06/10/2022	Cloudflare
MITUȚA Alin	Shadow rapporteur	ITRE	06/10/2022	Danish Entrepreneurs
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	05/10/2022	APPLiA (Home Appliance Europe)
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	05/10/2022	APPLiA (Home Appliance Europe)
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	05/10/2022	Microsoft Corporation
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	04/10/2022	Orange
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	04/10/2022	European VOD Coalition

CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	04/10/2022	Telefonica, S.A.
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	03/10/2022	CoESS
MELCHIOR Karen	Shadow rapporteur	JURI	03/10/2022	Athenora Consulting
LIZZI Elena	Shadow rapporteur	ITRE	03/10/2022	DOT Europe
LIZZI Elena	Shadow rapporteur	ITRE	30/09/2022	France Digitale
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	29/09/2022	Siemens AG Siemens Energy AG Siemens Healthineers AG
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	29/09/2022	Volkswagen Aktiengesellschaft
MITUȚA Alin	Shadow rapporteur	ITRE	29/09/2022	Global Legal Entity Identifier Foundation
MITUȚA Alin	Shadow rapporteur	ITRE	29/09/2022	France Digitale
LIZZI Elena	Shadow rapporteur	ITRE	29/09/2022	Alibaba Group Brunswick Group Limited srl
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	28/09/2022	Technology Industries of Finland
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	28/09/2022	Samsung Electronics Europe
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	28/09/2022	Federation of European Data & Marketing (FEDMA)
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	28/09/2022	AFEP - French Association of Large Companies
LIZZI Elena	Shadow rapporteur	ITRE	28/09/2022	UNIFE
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	28/09/2022	Finnish Innovation Fund Sitra
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	28/09/2022	Stichting Open Future
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	28/09/2022	CEOE - Confederación Española de Organizaciones Empresariales
LIZZI Elena	Shadow rapporteur	ITRE	27/09/2022	AK Public Affairs
LIZZI Elena	Shadow rapporteur	ITRE	27/09/2022	Connect Europe GSMA Europe
MELCHIOR Karen	Shadow rapporteur	JURI	23/09/2022	Orgalim – Europe's Technology Industries
MELCHIOR Karen	Shadow rapporteur	JURI	23/09/2022	Siemens Healthineers AG

GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	20/09/2022	ACEA
MITUȚA Alin	Shadow rapporteur	ITRE	20/09/2022	Samsung Electronics Europe
MITUȚA Alin	Shadow rapporteur	ITRE	20/09/2022	German Insurers
MITUȚA Alin	Shadow rapporteur	ITRE	20/09/2022	Banco Santander, S.A.
MITUȚA Alin	Shadow rapporteur	ITRE	20/09/2022	Lufthansa Group
MITUȚA Alin	Shadow rapporteur	ITRE	20/09/2022	Beltug vzw/asbl Cigref
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	19/09/2022	Software and Information Industry Association
MELCHIOR Karen	Shadow rapporteur	JURI	19/09/2022	Digital Online Tech Europe
MITUȚA Alin	Shadow rapporteur	ITRE	19/09/2022	European Automobile Manufacturers Association
MITUȚA Alin	Shadow rapporteur	ITRE	19/09/2022	International Road Transport Union Permanent Delegation to the EU
MITUȚA Alin	Shadow rapporteur	ITRE	19/09/2022	Business Software Alliance
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	16/09/2022	Google Ireland Limited and its affiliates
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	14/09/2022	GIGAEurope aisbl
MELCHIOR Karen	Shadow rapporteur	JURI	14/09/2022	Microsoft Corporation
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	13/09/2022	Meta Platforms Ireland Limited and its various subsidiaries
MITUȚA Alin	Shadow rapporteur	ITRE	13/09/2022	REWE ZENTRALFINANZ eG
MITUȚA Alin	Shadow rapporteur	ITRE	13/09/2022	UNIFE
MITUȚA Alin	Shadow rapporteur	ITRE	13/09/2022	LKQ Europe
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	12/09/2022	DOT Europe
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	09/09/2022	Huwaei
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	08/09/2022	Wärtsilä Corporation
BIELAN Adam	Rapporteur for opinion	IMCO	08/09/2022	Microsoft
BIELAN Adam	Rapporteur for opinion	IMCO	08/09/2022	Federation of European Data & Marketing (FEDMA)
	Rapporteur			

BIELAN Adam	for opinion	IMCO	08/09/2022	WMware
BIELAN Adam	Rapporteur for opinion	IMCO	08/09/2022	Amazon
BIELAN Adam	Rapporteur for opinion	IMCO	08/09/2022	Beltug
MITUȚA Alin	Shadow rapporteur	ITRE	08/09/2022	US mission to the European Union
MITUȚA Alin	Shadow rapporteur	ITRE	08/09/2022	Federation of European Data and Marketing
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	07/09/2022	Siemens
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	07/09/2022	Amazon
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	07/09/2022	Salesforce Inc.
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	07/09/2022	BMW
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	07/09/2022	Eurocities
MITUȚA Alin	Shadow rapporteur	ITRE	07/09/2022	Bayerische Motoren Werke Aktiengesellschaft
MITUȚA Alin	Shadow rapporteur	ITRE	07/09/2022	Twilio Inc.
MITUȚA Alin	Shadow rapporteur	ITRE	07/09/2022	Microsoft Corporation
MITUȚA Alin	Shadow rapporteur	ITRE	07/09/2022	DIGITALEUROPE
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	06/09/2022	InterDigital, Inc.
MITUȚA Alin	Shadow rapporteur	ITRE	06/09/2022	Tesla Motors Netherlands B.V.
MITUȚA Alin	Shadow rapporteur	ITRE	05/09/2022	Deutsche Telekom
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	02/09/2022	Meta Platforms Ireland Limited and its various subsidiaries
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	02/09/2022	AFCAR
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	01/09/2022	Targeting Startups
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	01/09/2022	Federation of Business Information services , FEBIS
CARVALHO Maria da	Shadow rapporteur	IMCO	01/09/2022	OVHCloud

Graça	for opinion			
MITUȚA Alin	Shadow rapporteur	ITRE	01/09/2022	Amazon Europe Core SARL
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	31/08/2022	VDAV-Verband Deutscher Auskunfts- und Verzeichnismedien e.V.
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	31/08/2022	BEREC
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	31/08/2022	France Digitale
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	31/08/2022	FEDMA
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	31/08/2022	Orgalim – Europe's Technology Industries
CARVALHO Maria da Graça	Shadow rapporteur for opinion	IMCO	31/08/2022	Business Software Alliance
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	30/08/2022	Association for Competitive Technology
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	31/07/2022	US Department of State
MITUȚA Alin	Shadow rapporteur	ITRE	21/07/2022	Bundesdruckerei GmbH
LAGODINSKY Sergey	Rapporteur	LIBE	20/07/2022	Volkswagen Aktiengesellschaft
MITUȚA Alin	Shadow rapporteur	ITRE	20/07/2022	UNIFE
MITUȚA Alin	Shadow rapporteur	ITRE	20/07/2022	Lufthansa Group
LAGODINSKY Sergey	Rapporteur	LIBE	19/07/2022	Alibaba Group
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	12/07/2022	Deloitte & Associés
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	12/07/2022	CISPE
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	12/07/2022	NL Ministry of Economic and Climate Affairs
MITUȚA Alin	Shadow rapporteur	ITRE	12/07/2022	Stichting Open Future
MITUȚA Alin	Shadow rapporteur	ITRE	12/07/2022	Twilio Inc.
MITUȚA Alin	Shadow rapporteur	ITRE	12/07/2022	Association des Constructeurs Européens d'Automobiles
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	11/07/2022	Nokia

MITUȚA Alin	Shadow rapporteur	ITRE	11/07/2022	Bundesverband deutscher Banken e.V.
MITUȚA Alin	Shadow rapporteur	ITRE	11/07/2022	European Materials Handling Federation
MITUȚA Alin	Shadow rapporteur	ITRE	11/07/2022	Alibaba Group
MITUȚA Alin	Shadow rapporteur	ITRE	08/07/2022	European Association of Co-operative Banks
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	07/07/2022	BMW
MITUȚA Alin	Shadow rapporteur	ITRE	06/07/2022	European Banking Federation
MITUȚA Alin	Shadow rapporteur	ITRE	06/07/2022	EuroCommerce
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	06/07/2022	AT&T, Inc. Cisco Systems Inc. Liberty Global Corporate B.V. RELX Salesforce Inc. intel workday
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	06/07/2022	American Chamber of Commerce to the European Union AmCham
LAGODINSKY Sergey	Rapporteur for opinion	LIBE	06/07/2022	DOT Europe
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	06/07/2022	ZDH
MITUȚA Alin	Shadow rapporteur	ITRE	06/07/2022	Google Ireland Limited and its affiliates
MITUȚA Alin	Shadow rapporteur	ITRE	05/07/2022	RELX
LAGODINSKY Sergey	Rapporteur for opinion	LIBE	05/07/2022	Volkswagen Aktiengesellschaft
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	05/07/2022	The Walt Disney Company (Benelux) BVBA
LAGODINSKY Sergey	Rapporteur for opinion	LIBE	05/07/2022	Connect Europe
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	04/07/2022	ETNO
MITUȚA Alin	Shadow rapporteur	ITRE	01/07/2022	Orgalim – Europe's Technology Industries
MITUȚA Alin	Shadow rapporteur	ITRE	30/06/2022	European Association of Automotive Suppliers - CLEPA
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	30/06/2022	FEPS Data Talks
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	30/06/2022	Telenor

KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	30/06/2022	Telenor DNA
GEESE Alexandra	Shadow rapporteur	IMCO	30/06/2022	Bureau Européen des Unions de Consommateurs Verbraucherzentrale Bundesverband
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	30/06/2022	Allied For Startups asbl Deutsche Telekom Publyon GSMA Europe SCALEWAY Stichting Open Future Telefonica, S.A. Vinces Consulting ETNO
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	29/06/2022	US Department of State
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	29/06/2022	Alibaba Group Amazon Europe Core SARL Brunswick Group Limited srl DOT Europe Hanbury Strategy and Communications Limited ITI - The Information Technology Industry Council Twilio Inc.
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	28/06/2022	Banco Santander, S.A. Insurance Europe Insurance Ireland BDB BBVA
GARCÍA DEL BLANCO Ibán	Shadow rapporteur for opinion	JURI	28/06/2022	FIGIEFA - Fédération Internationale des Grossistes, Importateurs & Exportateurs en Fournitures Automobiles / International Federation of Automotive Distributors MedTech Europe Orgalim – Europe's Technology Industries EFPIA AFCAR
MITUȚA Alin	Shadow rapporteur	ITRE	27/06/2022	BANCO BILBAO VIZCAYA ARGENTARIA
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	20/06/2022	Technology Industries of Finland (Teknologiateollisuus ry)
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	20/06/2022	Federation of Finnish Enterprises (Suomen Yrittäjät ry)
LAGODINSKY Sergey	Rapporteur for opinion	LIBE	17/06/2022	Deutsche Industrie- und Handelskammer
KUMPULA-NATRI Miapetra	Rapporteur	ITRE	15/06/2022	Volvo AB
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	14/06/2022	BMW
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	14/06/2022	Volvo Car Corporation AB
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	14/06/2022	Amazon Europe Core SARL

DEL CASTILLO VERA Pilar	Rapporteur	ITRE	14/06/2022	CLEPA
MITUȚA Alin	Shadow rapporteur	ITRE	09/06/2022	eu travel tech
MITUȚA Alin	Shadow rapporteur	ITRE	09/06/2022	Trellix
MITUȚA Alin	Shadow rapporteur	ITRE	07/06/2022	DOT Europe
KUMPULA-NATRI Miapetra	Rapporteur	ITRE	31/05/2022	Elisa Oyj
MITUȚA Alin	Shadow rapporteur	ITRE	31/05/2022	Alliance for the Freedom of Car Repair
MITUȚA Alin	Shadow rapporteur	ITRE	30/05/2022	Huawei Technologies
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	24/05/2022	APPLiA (Home Appliance Europe)
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	24/05/2022	Apple Inc.
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	24/05/2022	APPLiA (Home Appliance Europe) E.DSO - European Distribution System Operators AISBL ENEDIS ENEL SpA Endesa IBERDROLA Orgalim – Europe's Technology Industries Vattenfall smartEn Smart Energy Europe euroelectric solar power europe esmig bdew wind power europe ehpa eex finish energy eON
PENKOVA Tsvetelina	Shadow rapporteur for opinion	IMCO	18/05/2022	Bitkom e.V.
KUMPULA-NATRI Miapetra	Rapporteur	ITRE	17/05/2022	ITI - The Information Technology Industry Council
MITUȚA Alin	Shadow rapporteur	ITRE	13/05/2022	Bitkom e.V.
KUMPULA-NATRI Miapetra	Rapporteur	ITRE	12/05/2022	CSC – IT CENTER FOR SCIENCE LTD.
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	10/05/2022	bbva
KUMPULA-NATRI Miapetra	Rapporteur	ITRE	10/05/2022	Kaupan liitto ry - Finnish Commerce Federation

MITUȚA Alin	Shadow rapporteur	ITRE	05/05/2022	OVH Groupe
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	04/05/2022	Huawei Technologies
KUMPULA-NATRI Miapetra	Rapporteur	ITRE	03/05/2022	AT&T, Inc.
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	26/04/2022	Vodafone Belgium SA
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	26/04/2022	OVH Groupe
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	20/04/2022	MedTech Europe
DEL CASTILLO VERA Pilar	Rapporteur	ITRE	20/04/2022	Telefonica, S.A.
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	16/03/2022	Finnish Ministry of Transport

Other Members

Transparency		
Name	**Date**	**Interest representatives**
GOZI Sandro	26/04/2023	Telecom
CORRAO Ignazio	22/03/2023	Permanent Representation of Italy to the E.U.
MALDONADO LÓPEZ Adriana	30/11/2022	BBVA
BOESELAGER Damian	14/11/2022	DIGITALEUROPE Panel discussion
BOESELAGER Damian	04/11/2022	ACEA Marco Boggian, Jocelyn Delatre
GRUDLER Christophe	28/10/2022	Fédération Nationale des Syndicats d'Exploitants Agricoles
BOESELAGER Damian	27/10/2022	DIHK Freya Lemke
BOESELAGER Damian	25/10/2022	Deutsches Verkehrsforum Dr. Eck, Daniela Paitzies
MANDERS Antonius	18/10/2022	LKQ Europe
BOESELAGER Damian	13/10/2022	Verband Kommunaler Unternehmen e.V. Heiko Schäffer, Christiane Barth
BOESELAGER Damian	13/10/2022	BEUC Maryant
BOESELAGER Damian	13/10/2022	Heiko Richter, Federica Bordelot, Paul Keller Expert-Exchange Data Act
LENAERS Jeroen	12/10/2022	LKQ Europe

BOESELAGER Damian	11/10/2022	Openfuture.eu Paul Keller, Francesco Vogelgesang
BOESELAGER Damian	10/10/2022	ACEA Marco Boggian, Jocelyn Delatre
GRUDLER Christophe	04/10/2022	Alstom
BOESELAGER Damian	29/09/2022	Zentralverband Deutsches Handwerk Tim Krögel, Margarete Rudzki
BOESELAGER Damian	28/09/2022	Prof. Wolfgang Kerber
BOESELAGER Damian	26/09/2022	SME United Luc Hendrickx
GRUDLER Christophe	21/09/2022	Association des grandes entreprises françaises / Association of large French companies
BOESELAGER Damian	20/09/2022	MyData Global ry Antti Poikola
BOESELAGER Damian	19/09/2022	Prof. Nikolaos Laoutaris
BOESELAGER Damian	15/09/2022	Business Europe Roundtable Data Act
BOESELAGER Damian	13/09/2022	Prof. Louisa Riemenscheinder
LENAERS Jeroen	07/09/2022	BMW
BOESELAGER Damian	07/09/2022	Verband der Automobilindustrie Dr. Kurt Scheel, Mitja Schulz
BOESELAGER Damian	06/09/2022	BDI Webtalk Data Act Dr. Michael Dose
HAHN Svenja	01/09/2022	Verband Kommunaler Unternehmen e.V.
BOESELAGER Damian	11/07/2022	VDE Verband der Elektrotechnik Elektronik Informationstechnik Sebastian Hallensleben
GRUDLER Christophe	08/07/2022	Alstom
BOESELAGER Damian	07/07/2022	Expert-Exchange Data Act, Prof. Wolfgang Kerber, Dr. Inge Graef, Prof. Rupprecht Podszun
BOESELAGER Damian	30/06/2022	Lufthansa AG Alexander Lutz
SKYTTEDAL Sara	28/06/2022	Volvo AB
BOESELAGER Damian	24/06/2022	Kasper Drazewski, BEUC, Florian Glatzner, VZBV, Nils Leopold, Bundesbeauftragter für Datenschutz und Informationsfreiheit
STEGRUD Jessica	17/06/2022	Svenskt Näringsliv
BOESELAGER Damian	15/06/2022	Max-Planck-Institut für Innovation und Wettbewerb Heiko Richter
BOESELAGER Damian	10/06/2022	McKinsey Global Institute
BOESELAGER Damian	09/06/2022	Professor Moritz Hennemann
BOESELAGER Damian	09/06/2022	Professor Wolfgang Kerber
GARCÍA DEL BLANCO Ibán	29/04/2022	BEI Espana
GARCÍA DEL BLANCO Ibán	26/04/2022	Vodafone
GARCÍA DEL BLANCO Ibán	26/04/2022	Banco Santander, S.A.
BOESELAGER Damian	06/04/2022	ZVEI e.V. - Verband der Elektro- und Digitalindustrie
		Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.

GEESE Alexandra	01/03/2022	Heinrich Böll Stiftung e.V.

Final act

Corrigendum to final act 32023R2854R(01)
OJ OJ L 09.12.2024

Regulation 2023/2854
OJ L 000 03.01.2024, p. 0000 Summary

Data Act

2022/0047(COD) - 23/02/2022 - Legislative proposal

PURPOSE: to set harmonised rules on fair access to and use of data (Data Act).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND : the volume of data generated by humans and machines has been increasing exponentially in recent years. Most data are unused however, or its value is concentrated in the hands of relatively few large companies. It is therefore crucial to **unlock such potential by providing opportunities for the reuse of data**, as well as by removing barriers to the development of the European data economy in compliance with European rules and fully respecting European values.

On 25 March 2021, the European Council reiterated the importance of better exploiting the potential of data and digital technologies for the benefit of the society and economy. On 1-2 October 2020, it stressed the need to make high-quality data more readily available and to promote and enable better sharing and pooling of data, as well as interoperability.

In its resolution of 25 March 2021 on a European Data Strategy, the European Parliament urged the Commission to bring forward a data law to encourage and enable greater and fairer data flows across all sectors, between businesses, between businesses and public administrations and vice versa, and between public administrations themselves. It also stressed the need to create common European data spaces to ensure the free flow of non-personal data across countries and sectors, and between businesses, academia, relevant stakeholders and the public sector.

Following the Data Governance Act, this proposal is the second main legislative initiative resulting from the February 2020 **European strategy for data**, which aims to make the EU a leader in our data-driven society. Its aim is to ensure fairness in the allocation of value from data among actors in the data economy and to foster access to and use of data.

The Data Act should ensure fairness in the digital environment, stimulate a competitive data market, open up opportunities for data-driven innovation and make data more accessible to all.

CONTENT: the proposed Regulation aims to establish a **harmonised framework** that specifies who, in addition to the manufacturer or other data holder, has a right of access to data generated by products or related services, under what conditions and on what basis, in all economic sectors.

The proposed Regulation:

- aims to ensure that **users of a product or related service in the Union can access, in a timely manner, the data generated by the use of that product or related service** and that those users can make use of that data, including sharing it with third parties of their choice. Manufacturers and designers should design products in such a way that data is easily accessible by default, and they should be transparent about what data will be accessible and how it can be accessed. Users would have the right to authorise the data holder to give access to the data to third party service providers, such as after sales service providers;

- sets out the general rules applicable to **data provision obligations**. Where a data holder is obliged to make data available to a data recipient, the general framework sets out the conditions under which the data is made available and the compensation for making the data available. All these conditions should be fair and non-discriminatory, and any compensation should be reasonable;

- adapts the **rules of contract law** and prevents the exploitation of contractual unfairness that hinder fair access to and fair use of data by micro, small or medium-sized enterprises. The Data Regulation would protect SMEs from unfair contract terms imposed by a party with significantly more bargaining power. The Commission would also develop model contract terms to help these companies draft and negotiate fair data sharing contracts;

- provide for the use by public sector bodies and Union institutions, agencies or bodies of data held by enterprises in certain situations where there is an **exceptional data need**. This primarily concerns **public emergencies**, but also other exceptional situations where compulsory business-to-government data sharing is justified;

- introduces minimum regulatory requirements of contractual, commercial and technical nature, imposed on providers of cloud, edge and other data processing services, to **enable switching between such services**. In particular, the proposal ensures that customers maintain functional equivalence (a minimum level of functionality) of the service after they have switched to another service provider;

- puts in place **safeguards against unlawful data** transfer without notification by cloud service providers. This is because concerns have been raised about non-EU/European Economic Area (EEA) governments' unlawful access to data. Such safeguards should further enhance trust in the data processing services that increasingly underpin the European data economy;

- provides for the development of **interoperability standards** for data to be reused between sectors, in a bid to remove barriers to data sharing across domain-specific common European data spaces, in consistency with sectoral interoperability requirements, and between other data that are not within the scope of a specific common European data space;

- supports the setting of standards for **'smart contracts'**. These are computer programmes on electronic ledgers that execute and settle transactions based on pre-determined conditions. They have the potential to provide data holders and data recipients with guarantees that conditions for sharing data are respected.

Data Act

2022/0047(COD) - 16/02/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Pilar del CASTILLO VERA (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Data and scope

The report clarifies that the proposed Regulation should lay down harmonised rules on:

- the design of connected products to allow access to data generated by a connected product or generated during the provision of related services to the user of that product;

- data holders making available data they accessed from a **connected product or generated** during the provision of a related service to data subjects, users or to data recipients, at the request of the user or data subject;

- fair contractual terms for data sharing agreements;

- making available data to **public sector** bodies or Union institutions, agencies or bodies, where there is an exceptional need in the public interest;

- facilitating switching between data processing services;

- introducing **safeguards** against unlawful international governmental access to non-personal data; and

- developing interoperability standards and common specifications for data to be transferred and used.

Objectives

The Data Regulation aims to boost innovation by removing barriers obstructing consumers and businesses' access to data. The legislation will clarify who can access data and under what conditions. It will allow a wider range of private and public entities to share data.

The Regulation:

- obliges manufacturers of connected products and providers of related services to design their products and services in such a way that users of a connected product or related service in the EU can access, in a timely manner, the data accessible from the product or generated during the provision of a related service and that those users can use the data, including by sharing them with third parties of their choice;

- requires data holders to make data available to users and to data recipients designated by those users;

- provides that data holders should make data available to data recipients in the Union on fair, reasonable and non-discriminatory terms and in a transparent manner;

- provides that, if there is an exceptional need, data holders should make data available to public sector bodies of the Member States and to Union institutions, bodies, offices and agencies;

- further aims to facilitate switching between data processing services and to improve the interoperability of data and data sharing mechanisms and services in the Union.

SMEs

Start-ups, SMEs and companies from traditional sectors with less-developed digital capabilities struggle to obtain access to relevant data. This Regulation aims to facilitate access to data for these entities, while ensuring that the corresponding obligations are scoped as proportionately as possible to avoid overreach.

When companies draw up their data sharing contracts, the law will rebalance the bargaining power in favour of SMEs, protecting them from unfair contract terms imposed by companies in a much stronger bargaining position.

Trade secrets

Members strengthened provisions to protect trade secrets and avoid a situation where increased access to data is used by competitors to retro-engineer services or devices. They also set stricter conditions on business-to-government data requests.

Emergency situations

The amended text also sets out how public sector bodies, in exceptional circumstances or emergencies, such as floods and forest fires, can access and use data held by the private sector where necessary.

Implementation and enforcement

The report underlines that avoiding fragmentation of the market must be a guiding principle of the Regulation. The Data Act should give further clarity on the roles and coordination between competent authorities regarding, *inter alia*, the supervision, complaint handling and penalty regime.

Strengthened coordination

The report notes that each Member State should designate an independent competent coordinating authority (‘data coordinator’) as responsible for the application and enforcement of this Regulation, for coordinating the activities entrusted to that Member State, for acting as the single contact point towards the Commission, with regard to the implementation of this Regulation and for representing the Member State at the European Data Innovation Board.

To further enhance coordination in the enforcement of this Regulation, the European Data Innovation Board should foster the mutual exchange of information amongst competent authorities as well as advise and assist the Commission in certain matters.

Processing of data

This Regulation should not be read as creating a new legal basis for the processing of personal data for any of the regulated activities. In the event of a conflict between this Regulation and Union law on the protection of personal data or national law adopted in accordance with such Union law, the relevant Union or national law on the protection of personal data should prevail.

Data Act

2022/0047(COD) - 22/12/2023 - Final act

PURPOSE: to ensure fairness in the allocation of value from data among actors in the data economy and fostering fair access to and use of data in order to contribute to establishing a genuine internal market for data.

LEGISLATIVE ACT: Regulation (EU) 2023/2854 of the European Parliament and of the Council on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act).

CONTENT: in recent years, data-driven technologies have had transformative effects on all sectors of the economy. The proliferation of products connected to the internet in particular has increased the volume and potential value of data for consumers, businesses and society. Barriers to data sharing prevent an optimal allocation of data for the benefit of society.

Subject matter

In order to respond to the needs of the digital economy and to remove barriers to a well-functioning internal market for data, the regulation lays down a **harmonised framework** specifying who is entitled to use product data or related service data, under which conditions and on what basis. It puts obligations on manufacturers and service providers to let their users, be they companies or individuals, access and **reuse** the data generated by the use of their products or services. It also allows users to **share** that data with third parties.

The new regulation also aims to ease the switching between providers of data processing services, puts in place safeguards against unlawful data transfer and provides for the development of interoperability standards for data to be reused between sectors. The regulation will give both individuals and businesses more control over their data through a reinforced portability right.

Scope of the legislation

The new regulation will allow users of connected devices, ranging from smart household appliances to intelligent industrial machines, to **gain access to data generated by their use** which is often exclusively harvested by manufacturers and service providers.

Connected products that obtain, generate or collect, by means of their components or operating systems, data concerning their performance, use or environment and that are able to communicate those data via an electronic communications service, a physical connection, or on-device access, often referred to as the **Internet of Things**, should fall within the scope of this Regulation, with the exception of prototypes.

Regarding Internet of Things (IoT) data, the new law focuses, in particular, on the functionalities of the data collected by connected products instead of the products themselves.

Data sharing, compensation and dispute settlement

The regulation contains measures to prevent abuse of contractual imbalances in data sharing contracts due to unfair contractual terms imposed by a party with significantly stronger bargaining position. The regulation contains the principle that in business-to-business relations data holders may request **reasonable compensation** when obliged pursuant to Union law or national legislation adopted in accordance with Union law to make data available to a data recipient. The Commission should adopt **guidelines** on the calculation of reasonable compensation in the data economy.

Trade secrets

The regulation ensures an adequate level of protection of trade secrets and intellectual property rights, accompanied by relevant **safeguards** against possible abusive behaviour. In this context, data holders will require users, or third parties of a user's choice, to preserve the confidentiality of data considered to be trade secrets. Where there is no agreement on the necessary measures or where a user, or third parties of the user's choice, fail to implement agreed measures or undermine the confidentiality of the trade secrets, the data holder should be able to withhold or suspend the sharing of data identified as trade secrets.

Public sector bodies

The regulation provides the means for public sector bodies, the Commission, the European Central Bank and EU bodies to access and use data held by the private sector that is necessary in **exceptional circumstances**, particularly in case of a public emergency, such as floods and wildfires, or to fulfil a task in the public interest.

Switching

The new rules also aim to ease the switching between providers of data processing services. From 12 January 2027, providers of data processing services will not impose any switching charges on the customer for the switching process. From 11 January 2024 to 12 January 2027, providers of data processing services may impose reduced switching charges on the customer for the switching process.

Unlawful international access and transfer of data

Providers of data processing services will take all adequate technical, organisational and legal measures, including contracts, in order to prevent international and third-country governmental access and transfer of non-personal data held in the Union where such transfer or access would create a conflict with Union law or with the national law of the relevant Member State.

ENTRY INTO FORCE: 11.1.2024.

APPLICATION: from 12.9.2025.

Data Act

2022/0047(COD) - 14/03/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 500 votes to 23, with 110 abstentions, **amendments** to the proposal for a regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act).

The issue was referred back to the committee responsible for inter-institutional negotiations.

Data and scope

Parliament clarified that the proposed Regulation should lay down harmonised rules on:

- the design of connected products to allow access to data generated by a connected product or generated during the provision of related services to the user of that product;

- data holders making available data they accessed from a connected product or generated during the provision of a related service to data subjects, users or to data recipients, at the request of the user or data subject;

- fair contractual terms for data sharing agreements;

- the making available of data to public sector bodies or Union institutions, agencies or bodies, where there is an exceptional need in the public interest;

- facilitating switching between data processing services;

- introducing safeguards against unlawful international governmental access to non-personal data; and

- providing for the development of interoperability standards and common specifications for data to be transferred and used.

Objectives

The Data Regulation aims to **boost innovation** by removing barriers obstructing consumers and businesses' access to data. The legislation will clarify who can access data and under what conditions. It will allow a wider range of private and public entities to share data.

To void the fragmentation of the internal market, it is necessary to lay down a harmonised framework specifying who, is entitled to use accessible data collected, obtained or otherwise generated by connected products or related services, under which conditions and on what basis.

The Regulation:

- obliges manufacturers of connected products and providers of related services to design their products and services in such a way that users of a connected product or related service in the EU can access, in a timely manner, the data accessible from the product or generated during the provision of a related service and that those users can use the data, including by sharing them with third parties of their choice;

- requires data holders to make data available to users and to data recipients designated by those users;

- provides that data holders should make data available to data recipients in the Union on fair, reasonable and non-discriminatory terms and in a transparent manner;

- provides that, if there is an exceptional need, data holders should make data available to public sector bodies of the Member States and to Union institutions, bodies, offices and agencies;

- further aims to facilitate switching between data processing services and to improve the interoperability of data and data sharing mechanisms and services in the Union.

SMEs

Start-ups, SMEs and companies from traditional sectors with less-developed digital capabilities struggle to obtain access to relevant data. This Regulation aims to facilitate access to data for these entities, while ensuring that the corresponding obligations are scoped as proportionately as possible to avoid overreach.

When companies draw up their data sharing contracts, the law will rebalance the bargaining power in favour of SMEs, **protecting them from unfair contract terms** imposed by companies in a much stronger bargaining position.

Compensation for the provision of data

To incentivise the continued investment in generating and making available valuable data, including investments in relevant technical tools, this Regulation contains the principle that data holders may request **reasonable compensation** when legally obliged to make data available to the data recipient in business- to business relations.

Any compensation agreed between a data holder and a data recipient for making data available in business- to- business relations should be non - discriminatory and reasonable. A data holder, a data recipient or a third party should not directly or indirectly charge consumers or data subjects a fee, compensation or costs for sharing data or accessing it.

Members strengthened provisions to protect trade secrets and avoid a situation where increased access to data is used by competitors to retro-engineer services or devices. They also set stricter conditions on business-to-government data requests.

Emergency situations

The amended text also sets out how public sector bodies, in exceptional circumstances or emergencies, such as floods and forest fires, can access and use data held by the private sector where necessary.

Strengthened coordination

Each Member State should designate an independent competent **coordinating authority** ('data coordinator') as responsible for the application and enforcement of this Regulation, for coordinating the activities entrusted to that Member State, for acting as the single contact point towards the Commission, with regard to the implementation of this Regulation and for representing the Member State at the European Data Innovation Board.

To further enhance coordination in the enforcement of this Regulation, the European Data Innovation Board should foster the mutual exchange of information amongst competent authorities as well as advise and assist the Commission in certain matters.

Data processing

Union law on the protection of personal data, privacy and confidentiality of communications and integrity of terminal equipment shall apply to any personal data processed in connection with the rights and obligations laid down in this Regulation. Any contractual term in a data sharing agreement between data holders and data recipients which, to the detriment of the data subjects, undermines the application of their rights to privacy and data protection, derogates from it, or varies its effect, will be void.

International access and transfer

Providers of data processing services should take all technical, legal and organisational measures, including contractual arrangements, in order to prevent international transfer and third-country governmental access to such non-personal data held in the Union where such transfer or access would be in contravention of Union law or the national law of the relevant Member State.

Data Act

2022/0047(COD) - 09/11/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 481 votes to 31, with 71 abstentions, a resolution on the proposal for a regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act).

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

The new legislation establishes rules on **sharing data generated by the use of connected products or related services** (e.g. Internet of Things, industrial machines) and allows users to access the data they generate. It provides for new rules specifying who can access and use data generated within the EU across all economic sectors.

The regulation aims to:

- guarantee fairness in the distribution of the value produced by data between stakeholders in the digital environment;

- stimulate the development of a competitive data market;

- open up opportunities for data-driven innovation; and

- make data more accessible to the user.

This regulation lays down harmonised rules, *inter alia*, on:

- the making available of product data and related service data to the user of the connected product or related service;

- the making available of data by data holders to data recipients;

- the making available of data by data holders to public sector bodies, the Commission, the European Central Bank and Union bodies, where there is an exceptional need for those data for the performance of a specific task carried out in the public interest;

- facilitating switching between data processing services;

- introducing safeguards against unlawful third-party access to non-personal data; and

- the development of interoperability standards for data to be accessed, transferred and used.

Any processing of personal data pursuant to this Regulation should comply with Union data protection law.

The regulation contains measures concerning:

- the obligation to make data relating to products and data relating to related services accessible to the user;

- the rights and obligations of users and data holders regarding access to, use and provision of product data and related service data;

- the user's right to share data with third parties;

- measures to prevent the misuse of contractual imbalances in data sharing contracts due to **unfair contractual terms** imposed by a party in a stronger bargaining position;

- the protection of **trade secrets** and intellectual property rights, accompanied by appropriate safeguards against abusive behaviour;

- additional guidance with regard to **reasonable compensation** for making the data available and dispute settlement mechanism;

- certain adjustments regarding data sharing requests from public sector bodies due to exceptional needs;

- clearer and more widely applicable provisions regarding the effective **switching from one data processing service to another**;

- the gradual withdrawal of switching charges;

- introducing safeguards against **unlawful third-party access to non-personal data**;

- essential requirements regarding **interoperability** of data, of data sharing mechanisms and services, as well as of common European data spaces.