



POLICY BRIEF

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DATA ACT

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Data Act	
BACKGROUND AND FIELD OF APPLICATION	Regulation (EU) 2023/2854, known as the Data Act, ¹ establishes clear rules for how private entities may access data, typically generated by Internet of Things (IoT) devices, to develop new products and services in secondary markets. However, these new offerings must not directly compete with the original product or service from which the data was obtained (Articles 4(10) and 6(2)(e)). Beyond access rights, the Data Act introduces provisions to ensure fairness in data-sharing contracts, promote interoperability, and facilitate switching between cloud service providers. It also includes mechanisms for data sharing between EU institutions, Member States, and private actors in emergency situations , such as during a pandemic, reinforcing its role in supporting public interest and resilience in times of crisis.
HIGHLIGHTS	<p>The Data Act establishes a framework for data-sharing contracts aimed at making the IoT and app markets more equitable by lowering barriers to data access held by dominant tech companies. If data from a connected product (Article 2(5)) or related service (Article 2(6)) is not readily accessible (Article 3), users may request access. Two types of contracts are defined: one for B2C/B2B relationships, and another for public emergencies, where EU or national authorities can request access to the same data sets.</p> <p>In B2C/B2B contexts (Articles 4 and 5), users can request access to their data or authorize third parties to do so. These third parties may use the data to develop new products or services. All parties, be it users, data holders, and third parties, have obligations towards one another. For instance, data holders must avoid unnecessary data requests and protect intellectual property, especially trade secrets. They may refuse access only in cases involving national or EU security or economic harm. Users and third parties must not exploit technical vulnerabilities.</p> <p>Business-to-Government (B2G) contracts apply only in exceptional cases, such as emergencies or when public bodies cannot fulfill their duties without access to non-personal data (Article 15). Requests must be precise (Article 17), and although compensation is promised (Article 20), the process may be burdensome for data holders.</p> <p>These provisions apply from 12 September 2025.</p>
IMPACT	Many provisions of the Data Act can support scientific research. It introduces rules for situations where businesses are required to share data but may request “reasonable compensation” from the recipient. However, if the recipient is a non-profit research organization , a micro-enterprise,

¹ Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act) OJ L, 2023/2854, 22.12.2023.



	<p>or an SME, the compensation cannot exceed the actual cost of making the data available.</p> <p>In cases of exceptional public interest, such as emergencies or other critical situations, public bodies are permitted to access data held by private entities. These public bodies may also share the data with research-performing or research-funding organizations if they are unable to conduct the research or analysis themselves, provided the intended use aligns with the original purpose for which the data was requested.</p> <p>Additionally, the Data Act sets out essential requirements for data formats and shared vocabularies to enable data exchange within and across data spaces. These harmonized standards and open interoperability specifications are intended to foster research and innovation by improving the compatibility of data processing services.</p>
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