

General objective: Remove barriers to a well-functioning internal market for data

Application to universities/academics: as **data users** and as **users of digital infrastructures**

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) – Mandate for negotiations with the European Parliament, 17 March 2023, 7413/23 (published 24 March 2023) ([proposed Data Act](#)).

Relevant provisions:

- Chapter II** Ensures better access to **Internet-of-Things (IoT) data**.
- Chapter III** Provides for horizontal rules on **modalities of access to data** whenever a data holder is obliged by law to make data available to a data recipient.
- Article 21** Provides a basis for the further sharing of **data obtained by public sector bodies in the context of exceptional needs with research organisations**.
- Chapters VI, VIII** Facilitate **effective switching** between data processing services and lay down requirements regarding **interoperability**.

Anticipated impact on universities:

Topic	Capacity	Impact	Explanation
IoT data	Data user	High	As users of IoT products (e.g., laboratory equipment and medical devices), academic researchers will directly benefit from the proposed user access rights. Moreover, Chapter II of the proposed Data Act seems to enable academic researchers as eligible third parties to indirectly access data generated by IoT devices, provided that the users of those IoT products agree to request the respective data holders to share the IoT data with the researchers. The Chapter thus opens up data for research.
Horizontal data sharing obligations	Data user	Low	As a general rule, data holders who are legally obliged to share data with data recipients must do so under Fair, Reasonable and Non-Discriminatory (FRAND) terms and cannot 'shield' their data by implementing restrictive contractual terms. These and other obligations should stimulate data sharing. However, the obligations in Chapter III of the proposed Data Act primarily apply to business-to-business relations, which means that the rules will contribute to scientific research in limited cases only, for example in the context of public-private partnerships.
Exceptional need data sharing	Data user	Low	Although Article 21 provides a special basis for access to data for scientific research purposes, the 'outsourcing' of research in the context of an exceptional need is not likely to happen in practice very often.
Switching and interoperability	User of infrastructures	High	The proposed Data Act presents a regulatory approach to the problem of 'vendor lock-in' already identified in previous legislation (see below) and aims to help businesses and citizens to effectively switch cloud providers and port data. The ability to switch providers is crucial for universities to retain/regain digital sovereignty.

Interactions with other frameworks & potential (consistency) issues:

Interaction	The Free Flow of Non-Personal Data Regulation, General Data Protection Regulation and Digital Markets Act also contain data portability arrangements to facilitate switching between service providers.
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