

## DA.126 Contract w/ holder on sharing modalities

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### Art. 8 (1) and (2) Data Act - Trialogue Agreement

1. Where, in business-to-business relations, a **data holder** is obliged to make data available to a data recipient under Article 5 or under other Union law or national legislation adopted in accordance with Union law, it **shall agree, with a data recipient the modalities for making the data available** and shall do so under fair, reasonable and non-discriminatory terms and in a transparent manner in accordance with the provisions of this Chapter and Chapter IV.

2. A contractual term concerning the access to and use of the data or the liability and remedies for the breach or the termination of data related obligations shall not be binding if it fulfils the conditions of Article 13 or if , to the detriment of the user, it excludes the application of, derogates from or varies the effect of the user's rights under Chapter II.