

## DA.030 Nonderogable contractual terms

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### Art. 12 Data Act - Trialogue Agreement

#### Scope of obligations for data holders legally obliged to make data available

1. This Chapter [Art. 8-12] shall apply where a data holder is obliged under Article 5, or under Union law or national legislation implementing Union law, to make data available to a data recipient.
2. **Any contractual term in a data sharing agreement which, to the detriment of one party, or, where applicable, to the detriment of the user, excludes the application of this Chapter [Art. 8-12], derogates from it, or varies its effect, shall not be binding on that party.**
3. This Chapter [Art. 8-12] shall only apply in relation to obligations to make data available under Union law or national legislation implementing Union law, which enter into force after [date of application of the Regulation].