

DA.105 Ban on gatekeeper to incentivise user

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Art. 5 (2) Data Act - Trialogue Agreement

Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector (Digital Markets Act), shall not be an eligible third party under this Article and therefore shall not:

- (a) solicit or commercially incentivise a user in any manner, including by providing monetary or any other compensation, to make data available to one of its services that the user has obtained pursuant to a request under Article 4(1);**
- (b) solicit or commercially incentivise a user to request the data holder to make data available to one of its services pursuant to paragraph 1 of this Article;**
- (c) receive data from a user that the user has obtained pursuant to a request under Article 4(1).**