

## DA.102 Right of 3rd parties' access (upon user request)

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### Art. 5 (1) and (1a) Data Act - Trialogue Agreement

1. Upon request by a user, or by a party acting on behalf of a user, **the data holder shall make available readily available data, as well as the metadata that is necessary to interpret and use that data, to a third party**, without undue delay, free of charge to the user, of the same quality as is available to the data holder, easily, securely, in a comprehensive, structured, commonly used and machine-readable format and, where relevant and technically feasible, continuously and in real-time. The making available of the data by the data holder to the third party shall be done in compliance with Articles 8 and 9.

1a. The right under paragraph 1 shall not apply to readily available data in the context of testing of other new products, substances or processes that are not yet placed on the market unless use by a third party is contractually permitted.

### Art. 8 (4) Data Act - Trialogue Agreement

A data holder shall not make data available to a data recipient, including on an exclusive basis, unless requested by the user under Chapter II.