

The background of the slide is a photograph of several large stacks of papers and folders in an office environment. The papers are mostly white with some yellowed edges, and some are bound in brown folders. The office has a drop ceiling with fluorescent lights, and the background is slightly blurred, focusing attention on the stacks of paper.

# Data Act: New Legislative Framework overview

Version 17 July 2024

# What is the link between Data Act and »standards«?

- Data Act obliges companies to comply with specific essential requirements under certain circumstances

- These companies include:

Providers of data processing services covered by Art. 30(3)<sup>1</sup>

Participants in data spaces<sup>2</sup>

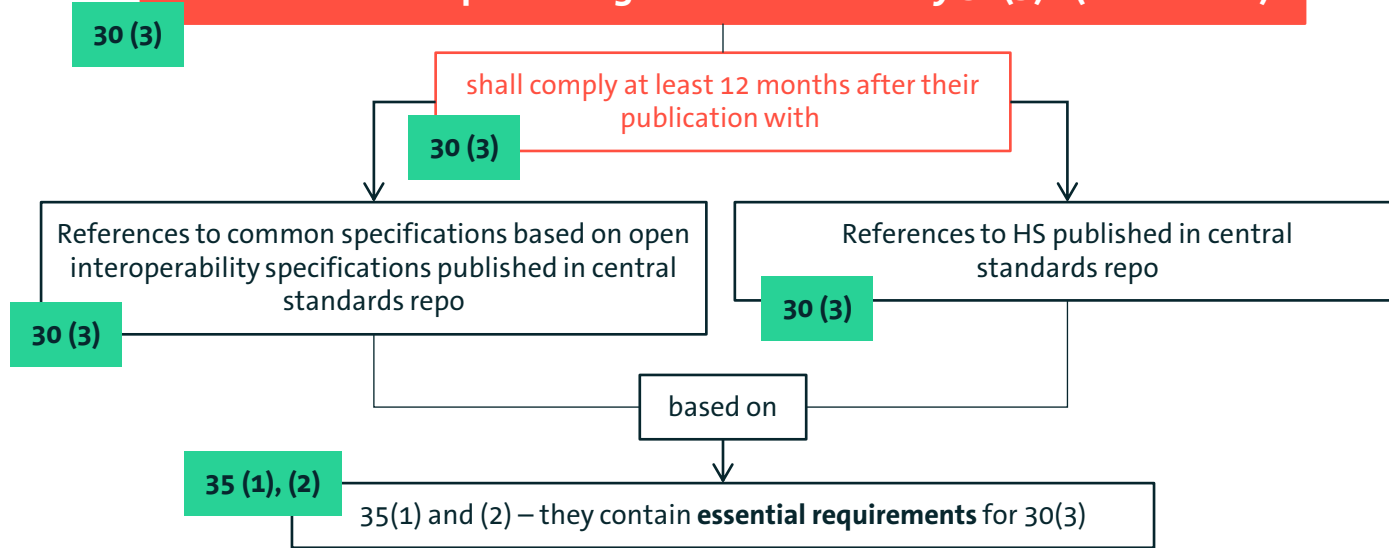
Vendors of an application using smart contracts<sup>3</sup>

- These essential requirements can be operationalised with »standards«
  - »standards« in the context of the Data Act can be
    - harmonised European Standards and/or
    - common specifications based on open interoperability specifications.
  - »standards« can be relevant under the Data Act in two ways
    - One must comply with them (e.g. Art. 30 (30))
    - Where one complies, one gets »presumption of conformity« in relation to an EU conformity assessment procedure (Art. 36 (2) ff.) or without relation to such procedure (e.g. Art. 33 (3))

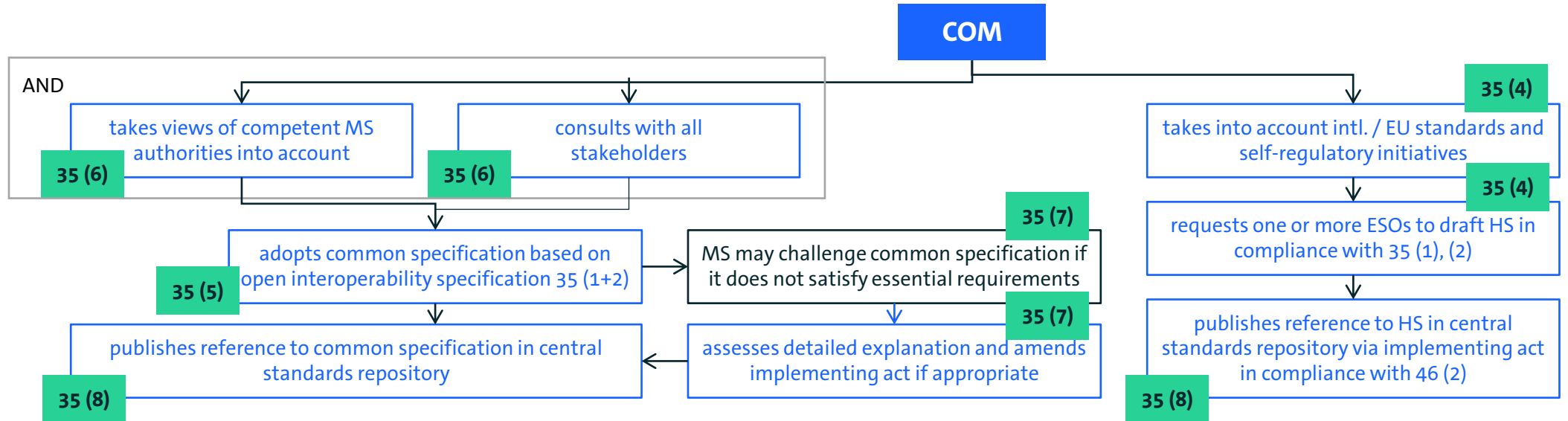
**Providers of data processing services covered by 30(3)<sup>1</sup> (ie not-iaaS)**

**Art. 30 (3) +  
Art. 35**

What is the obligation?



What may COM do to operationalize?

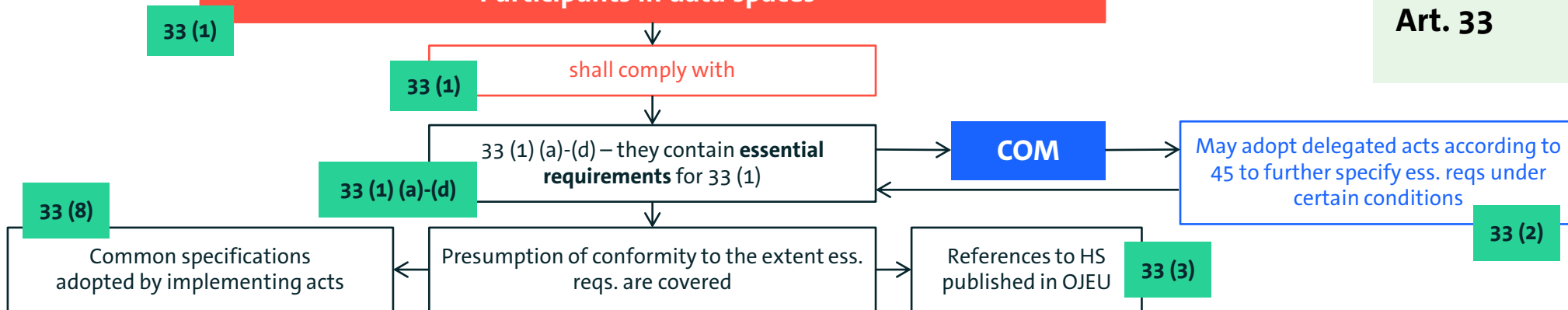


<sup>1</sup> »For data processing services other than those referred to in paragraph 1 of this Article [para 1: »Providers of data processing services that concern scalable and elastic computing resources limited to infrastructural elements such as servers, networks and the virtual resources necessary for operating the infrastructure, but that do not provide access to the operating services, software and applications that are stored, otherwise processed, or deployed on those infrastructural elements, shall [...]«, providers of data processing services shall ensure [...] « (Art. 30 (3)).

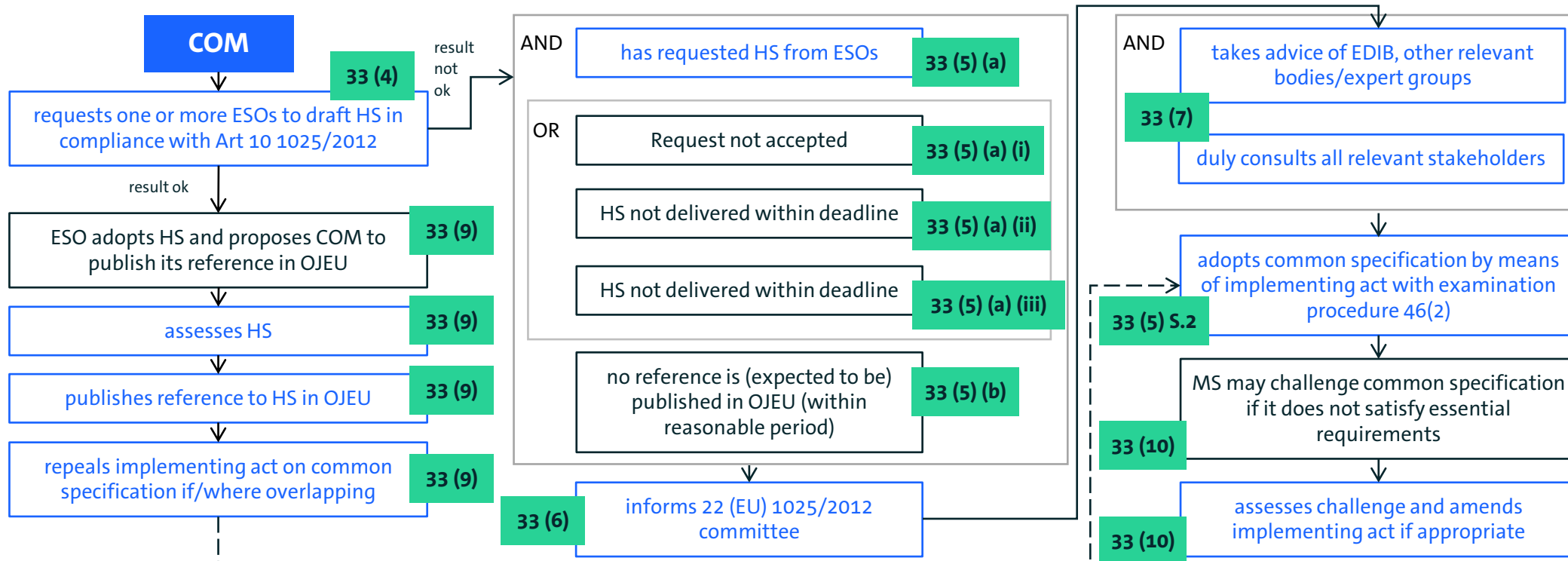
## Participants in data spaces<sup>2</sup>

Art. 33

What is the obligation?

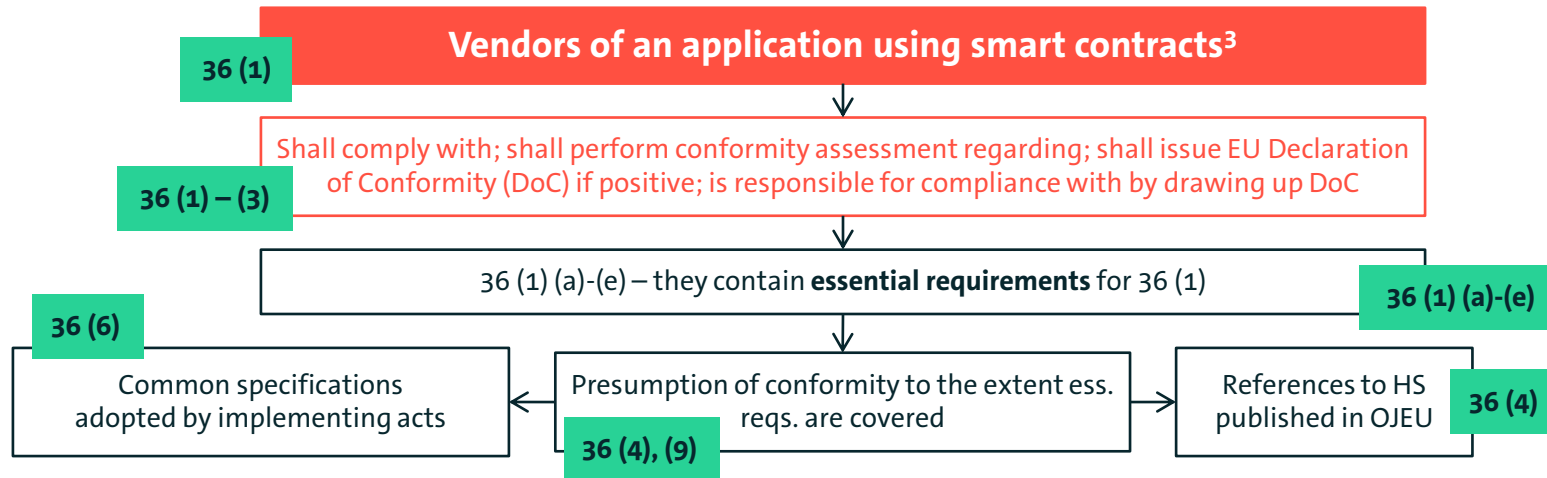


What may COM do to operationalize?

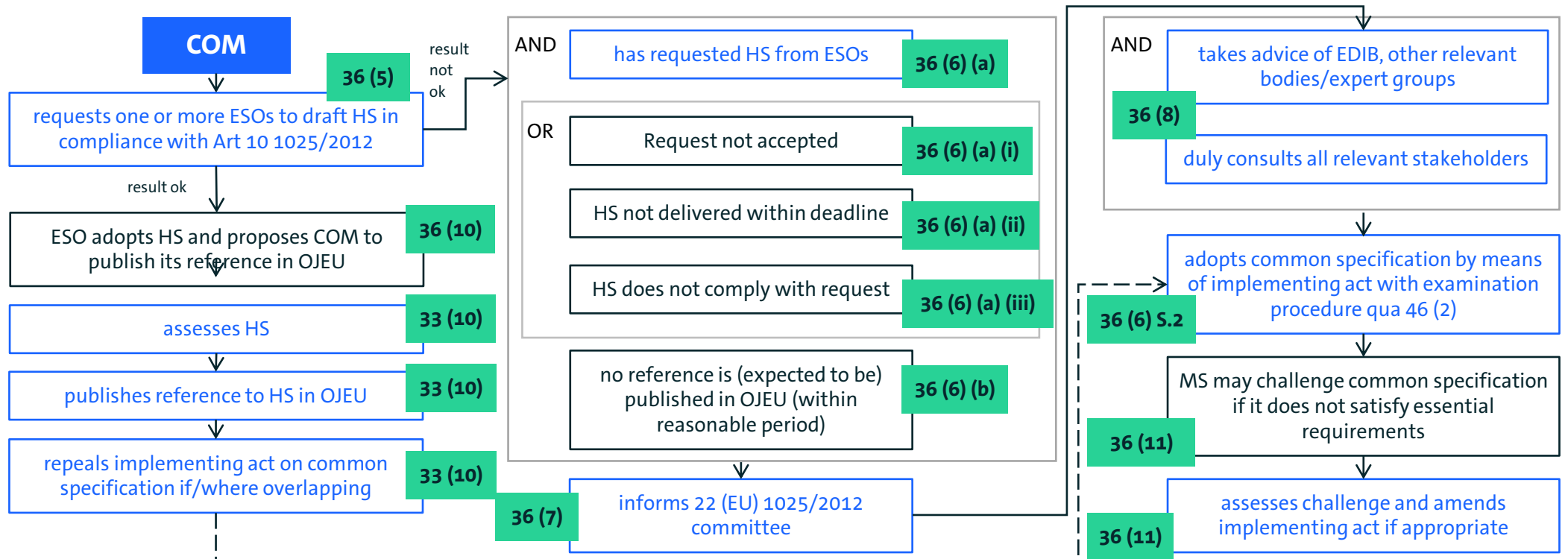


<sup>2</sup>»Participants in data spaces that offer data or data services to other participants shall comply with the following essential requirements to facilitate the interoperability of data, of data sharing mechanisms and services, as well as of common European data spaces which are purpose- or sector-specific or cross-sectoral interoperable frameworks for common standards and practices to share or jointly process data for, inter alia, the development of new products and services, scientific research or civil society initiatives: [...]« (Art. 33 (1))

What is the obligation?



What may COM do to operationalize?



# Call for Feedback

**We welcome your feedback, on things such as:**

- Is this helpful for you?
- Have you found an error or inaccuracy?
- What should we add?

**Feel free to reach out to [d.schoenwerth@bitkom.org](mailto:d.schoenwerth@bitkom.org).**

# Imprint

## Published by

Bitkom e.V.  
Albrechtstraße 10  
10117 Berlin

## Contact

David Schönwerth | Head of Data Economy  
P +49 (0)30 27576 179 | d.schoenwerth@bitkom.org

## Title Image

© Wesley Tingey – unsplash.com

Version 17 July 2024

Very simplified. Work in progress. Certain exemptions/additions/changes in scope and obligations apply, inter alia w.r.t. Articles 31, 34 Data Act.

This publication is intended to provide general, non-binding information. The contents reflect the view within Bitkom at the time of publication. Although the information has been prepared with the utmost care, no claims can be made as to its factual accuracy, completeness and/or currency; in particular, this publication cannot take the specific circumstances of individual cases into account. Utilising this information is therefore sole responsibility of the reader. Any liability is excluded. All rights, including the reproduction of extracts, are held by Bitkom or respective rightholders.

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players.

Bitkom e. V.  
Albrechtstraße 10  
10117 Berlin  
Germany

P +49 30 27576-0  
bitkom@bitkom.org

[bitkom.org](https://www.bitkom.org)

bitkom