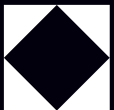


Hennemann | Ebner | Karsten | Lienemann | Wienroeder

# Data Act

An Introduction



Nomos



Moritz Hennemann | Gordian Konstantin Ebner  
Benedikt Karsten | Gregor Lienemann | Marie Wienroeder

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## Authors

*Moritz Hennemann* is a Full University Professor, holding the Chair of Civil Law, Information Law, Media Law, and Internet Law, University of Freiburg Law Faculty since 2023. His research focuses on private law, business law, data law, media law, and information law, including from a comparative perspective. He holds degrees in Law from the Universities of Heidelberg (2009), Oxford (M.Jur., 2011), and Freiburg (Dr. jur., 2011). He was a postdoctoral researcher at the University of Freiburg (Habilitation, 2019), a visiting researcher at University of Oxford Law Faculty's Institute of European and Comparative Law (2023) and at Harvard Law School (2018) as well as an affiliate to the Berkman Klein Center for Internet & Society, Harvard Law School (2018-2020). Between 2020 and 2023 he was holding the Chair of European and International Information Law, University of Passau Law Faculty and was Director of the University of Passau Research Centre for Law and Digitalisation (FREDI).

*Gordian Ebner* is pursuing his legal clerkship (*Referendariat*) at the Higher Regional Court of Munich since October 2022 and has been an academic research assistant at the Chair of European and International Information Law, University of Passau Law Faculty from 2020 to 2023. His research focuses on data protection law, especially data-related information duties, including from a comparative perspective. He holds degrees in Law from the University of Passau (2020; Dr. jur., 2022 and LL.M., 2024).

*Benedikt Karsten* is an academic research assistant and doctoral candidate in Law at the University of Passau Research Centre for Law and Digitalisation (FREDI) since 2022. His research focuses on data (economy) law. He holds a degree in Law from the University of Passau (2020) and is a fully qualified lawyer (Ass. jur., 2022 and LL.M., 2024).

*Gregor Lienemann* is an academic research assistant and doctoral candidate in Law at the Chair of European and International Information Law, University of Passau Law Faculty since 2021. His research focuses on data portability and on the intersection of data protection and competition law,

## *Authors*

including from a comparative perspective. He holds degrees in Law from the Universities of Munich (2020) and Reading (LL.M., 2021).

*Marie Wienroeder* is an academic research assistant and doctoral candidate in Law at the Chair of European and International Information Law, University of Passau Law Faculty since 2022. Her research focuses on data law. She holds a degree in Law from the University of Passau (2022).

## Foreword

Dear Fellow Reader,

In February 2022, the EU Commission released the Proposal for a Data Act. From then on, manifold discussions within the political realm as well as in academia have taken place. In December 2023, a final version was agreed on by the respective EU actors – and the Data Act finally entered into force in January 2024.

Against this background, this volume aims to provide those interested in the Act (but maybe not engaged with this piece of regulation so far) with a concise, but detailed introduction to the new regulation, its articles, and its recitals. The Data Act, its concept, and its instruments are presented, explained, evaluated, and put into context. References to the actual wording of articles and recitals were oftentimes included. Reference is given throughout to the significant share of literature on the Data Act and, if needed to, the proposal(s). Inevitably, being an Introduction, we could not deep dive into every detail of the Data Act.

We like to highlight, however, that this introduction also puts an emphasis on aspects of the Act that have been less discussed so far, for example a deep-dive has been made in Chapter IX with regard to the highly important provisions on switching and interoperability between data processing services (Art. 23-31, 33-35). Furthermore, the bibliography at the end of this volume provides you – as comprehensively as possible – with further literature on the final version of the Act as well as on the draft version(s).

This Introduction to the Data Act is based on and has partly been pre-published in an earlier version (mirroring the legislative process and the proposals of the Data Act) as Hennemann, M. / Karsten, B. / Wienroeder, M. / Lienemann, G. / Ebner, G. (Eds.), *The Data Act Proposal – Literature Review and Critical Analysis, Part I – III (2023) University of Passau IRDG Research Paper Series No. 23-01, 23-02, 23-03*. We have, however, made substantial changes to this earlier version and have updated all parts to the final version of the Act.

This Introduction to the Data Act also builds upon further publications by the authors to the final version of the Data Act (Hennemann, M. / Steinrötter, B., *Der Data Act – Neue Instrumente, alte Friktionen, struk-*

turelle Weichenstellungen, *Neue Juristische Wochenschrift (NJW)* 2024 (1), 1-8; Wienroeder, M., Sind der Data Act und die DSGVO miteinander kompatibel?, *Privacy in Germany (PinG)* 2024 (3), 103-108) as well as to the draft version of the Data Act (Hennemann, M. / Steinrötter, B., Data Act – Fundament des neuen EU-Datenwirtschaftsrecht?, *Neue Juristische Wochenschrift (NJW)* 2022 (21), 1481-1486; Ebner, G., Information Overload 2.0? – Die Informationspflichten gemäß Art. 3 Abs. 2 Data Act-Entwurf, *Zeitschrift für Datenschutz (ZD)* 2022 (7), 364-369; Karsten, B. / Wienroeder, M., Der Entwurf des Data Act – Auswirkungen auf die Automobilindustrie, *Recht Automobil Wirtschaft (RAW)* 2022, 99-105; Hennemann, M., Datenrealpolitik – Datenökosysteme, Datenrecht, Datendiplomatie (2022) *University of Passau IRDG Research Paper Series No. 22-18*; Hennemann, M. / Lienemann, G., The Data Act – Article-by-Article Synopsis of the Commission Proposal (2022) *University of Passau IRDG Research Paper Series No. 22-07*).

We are more than happy to hear your thoughts on this introduction, about what we have missed and – maybe also – what you liked. Please drop us an e-mail to [moritz.hennemann@jura.uni-freiburg.de](mailto:moritz.hennemann@jura.uni-freiburg.de).

We like to thank the entire team at the chair of European and International Information and Data Law and at the Research Centre for Law and Digitalisation (FREDI) at University of Passau Law Faculty for their extremely valuable support in the drafting process and for taking the burden of formatting the document. FREDI and this publication is supported by the Bavarian State Ministry of Science and Culture. We are very grateful for this support.

Finally, we very much thank Marco Ganzhorn for the – in every way – splendid and invaluable coordination from the publisher's side. We are also more than thankful for Nomos supporting and the umbrella initiative "Hochschule.digital Niedersachsen" for ensuring an Open Access publication format.

Sincerely yours,

Moritz Hennemann, Gordian Ebner, Benedikt Karsten,  
Gregor Lienemann & Marie Wienroeder  
Freiburg and Passau, February 2024



### *Contributions by Authors*

<i>Hennemann</i>	Chapters I.-III.
<i>Ebner</i>	Chapters I., IV.
<i>Karsten</i>	Chapters I., VI.-VII.
<i>Lienemann</i>	Chapters I., V.-VI., IX.
<i>Wienroeder</i>	Chapters I., IV.-V., VIII., X.-XII.

### *Contributions by Chapters*

Chapter I.	<i>Hennemann/Ebner/Karsten/Lienemann/Wienroeder</i>
Chapter II.	<i>Hennemann</i>
Chapter III.	<i>Hennemann</i>
Chapter IV.	<i>Ebner/Wienroeder</i>
Chapter V.	<i>Lienemann/Wienroeder</i>
Chapter VI.	<i>Karsten/Lienemann</i>
Chapter VII.	<i>Karsten</i>
Chapter VIII.	<i>Wienroeder</i>
Chapter IX.	<i>Lienemann</i>
Chapter X.	<i>Wienroeder</i>
Chapter XI.	<i>Wienroeder</i>
Chapter XII.	<i>Wienroeder</i>



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