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## Joint Statement on the Data Act

Capitalising on the value of data will be crucial for Europe's competitiveness over the next decades. But as it stands, the Data Act will force European heavyweights that have invested heavily in automation and digitalisation in sectors like manufacturing, green tech and health to give away their data, leading to a new wave of de-industrialisation and putting our cybersecurity at risk.

Industry has rung the alarm bell before, but our concerns remain. The Data Act must incentivise data sharing between companies, but at the same time it must equally and unambiguously protect data holders' fundamental interests.

Crucially, these include the protection of trade secrets – confidential business information crucial to a company's innovation capacity and competitiveness. They also include cybersecurity, health and safety. Failing to properly reflect these safeguards in the final text will be detrimental to the viability of European companies' emerging business models, and of Europe's digital economy at large.

Current trilogue discussions have focussed on limiting the possibility of refusing data sharing only to exceptional circumstances, where data and related trade secrets would go to third countries.

However, trade secrets and other aspects must be protected *within* Europe as much as outside. In addition, the thresholds for data holders to be able to invoke these protections must be realistic.

We urge the European Commission, the Council, and the Parliament to make a final effort to **ensure that data holders can refuse access requests when they can demonstrate that trade secrets, cybersecurity, health and safety are at stake.**

These safeguards should be set out unequivocally and applicable in advance, keeping in mind competent authorities' role in ensuring they are utilised correctly.

If these safeguards are added and strengthened in the final text, we can look forward to putting in place a system that opens the EU's data economy without restricting companies' legitimate aspirations.



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