

## Implementation of the EU Data Act

The Data Act is a EU-regulation and therefore has direct applicability in the member states as soon as it become applicable on **September 12th 2025**.

However, certain measures need to be taken by the member states beforehand.

Member states must **designate competent authorities** responsible for the application and enforcement of the Data Act (Art. 37(1)).

If there are more than one competent authority, the **appointment of a Data Coordinator** from among them is necessary to facilitate cooperation between the competent authorities and to assist entities within the scope of this Regulation (Art. 37 (2)).

Thirdly the powers of these authorities must be **clearly defined** (Art. 37(5)).

Additionally, member states are required to set **penalties for non-compliance** with the Data Act (Art. 40 (1)). While the regulation stipulates that these penalties must be effective, proportionate and dissuasive, it does not provide a specific framework for their scale but leaves this to the discretion of the member states.

EU Member States	Implementation Status of the Data Act	Enforcement Body	Sanctions
Belgium	<b>As of 31 July 2025, no national implementation law has yet been enacted.</b> The EU Data Act will apply directly from 12 September 2025. In preparation, the BIPT is working in cooperation with the FPS Economy to	The <b>Data Protection Authority</b> is anticipated to be the Enforcement Body in Belgium. There is <b>no official appointment</b> as of 31 July 2025.	Not official yet as of 31 July 2025 but anticipated to follow the ones provided in the Data Act (fines up to <b>€20 million or 4% global turnover</b> ).

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	ensure Belgium is ready for its effective enforcement. It has not yet proposed legislative amendments.		
<b>France</b>	<p><b>Partially implemented.</b> The <b>SREN Law</b> (Loi visant à sécuriser et à réguler l'espace numérique, adopted May 2024) <i>pre-enacts</i> select Data Act provisions – notably rules to facilitate cloud service switching – ahead of the EU-wide application date.</p> <p>A comprehensive Data Act implementation law is still pending as of 2025. In the meantime, the Data Act will be directly applicable from Sep 2025.</p>	<p><b>ARCEP</b> (<i>Autorité de régulation des communications électroniques, des postes et de la distribution de la presse</i>) – France's telecom/digital regulator – has been entrusted under the SREN Law with new duties over the “data economy” and cloud services in preparation for the Data Act. (<i>The data protection authority, CNIL, will remain involved for any personal-data issues, per existing GDPR enforcement.</i>)</p>	<p>Under the SREN Law's cloud provisions, non-compliance (e.g. overcharging for data portability) can incur fines up to <b>3% of worldwide annual turnover</b> (rising to <b>5%</b> for repeat offenses). Further sanctions for other Data Act obligations will be defined in France's upcoming legislation, expected to ensure “effective, proportionate and dissuasive” penalties. (In cases involving personal data, GDPR-level fines up to €20 million or 4% of turnover could apply via CNIL.)</p>
<b>Germany</b>	<p><b>Draft stage only.</b> <i>Not yet fully enacted</i> – a draft <b>Data Act Implementation Bill</b> (Referentenentwurf) was published by the former German government on 5 Feb 2025, but no law is passed as of now. The draft bill will likely become law.</p>	<p><b>Federal Network Agency</b> (German: <i>Bundesnetzagentur</i>) – designated as the central authority to monitor Data Act compliance. The <b>Federal Commissioner for Data Protection</b> (<i>Bundesbeauftragter für den Datenschutz</i>) will oversee any personal-data processing aspects under the Data Act.</p>	<p>For the most severe violations fines can reach <b>€5 million or 4% of global annual turnover</b> (whichever is higher). Limited to ‘Gatekeepers’ in the sense of the Digital Markets Act (DMA). <b>Tiered fines</b> in draft law: minor breaches up to <b>€50,000</b>, moderate up to <b>€100,000</b>, serious up to <b>€500,000</b> per infringement. Additionally, repeat or ongoing non-compliance can draw periodic penalty payments up to €10 million. (Warnings may be issued for very minor offenses.) <b>Personal Data:</b> for infringements of Chapters II, III, and V, the BfDI may impose GDPR-level fines (up to EUR 20 million or 4% of global annual turnover, whichever is higher).</p>

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Ireland	<p><b>Heads in preparation.</b> The Irish government has marked the Irish Data Bill for priority drafting bill under its Summer 2025 Legislation Programme and Head of Bill are currently being prepared. The EU Data Act (an EU regulation) will directly apply from 12 Sep 2025, but Ireland has yet to propose any specific national measures.</p>	<p><b>To be determined.</b> The Irish Data Bill is expected to designate the National Competent Authority responsible for implementing and enforcing the EU Data Bill. Given the broad range of measures under the Data Act, it is possible that the Bill will designate multiple competent authorities on sector-specific basis, following a recent trend in the designation of regulatory powers in Ireland.</p> <p>ComReg is likely to be designated as the competent authority for the switching and interoperability of data processing services delivered through cloud services, namely IaaS, PaaS and SaaS services.</p>	<p><b>To be determined.</b> The Irish Data Bill is expected to provide for penalties for non-compliance and a levy in respect of ComReg’s regulatory role.</p> <p>Fines will likely follow the <b>Data Act Art. 31</b>: up to <b>€20 million or 4% global turnover</b>. Ireland may introduce tiered penalties later (similar to GDPR enforcement).</p>
Italy	<p><b>Not yet implemented.</b> As of 18 July 2025, <i>no national transposition law has been enacted</i>. The EU Data Act (an EU regulation) will directly apply from 12 Sep 2025, but Italy has not yet adopted specific national measures (e.g. designating an authority or penalties).</p>	<p><b>To be determined.</b> As of 18 July 2025, Italy has not officially named an enforcement body for the Data Act, as required under Article 37 (It is anticipated that a competent authority – possibly the communications, competition or digital agency – will be designated in new legislation or decree.).</p>	<p><b>To be determined.</b> As of 18 July 2025, no specific sanctions have been announced, as required under Article 40 of the Data Act. Italy is expected to establish a penalties regime (likely administrative fines) in line with these requirements before the regulation becomes applicable.</p>
Luxembourg	<p><b>Directly applicable (EU Regulation)</b> – No supplementary national law enacted yet.</p>	<p><b>To be determined.</b> Luxembourg has not yet appointed the competent authority. It is anticipated that this could be the National Data Protection Authority (in French Commission Nationale pour la Protection des Données).</p>	<p><b>To be determined.</b> Fines will align with <b>Data Act Art. 31</b>: Up to <b>€20 million or 4% global turnover</b> for severe breaches (e.g., gatekeeper violations).</p>

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The Netherlands	<p><b>Proposal stage.</b> A proposal for a “<b>Data Act Implementation Act</b>” (<i>Uitvoeringswet dataverordening</i>) has been submitted to Parliament in April 2025 but is <i>not yet passed</i>. Final implementation is pending legislative approval.</p>	<p><b>Authority for Consumers &amp; Markets</b> (<i>Autoriteit Consument en Markt, ACM</i>) – to be the main enforcer for Data Act obligations (business-to-user and B2B data sharing, cloud provisions, etc.). The <b>Data Protection Authority</b> (<i>Autoriteit Persoonsgegevens, AP</i>) is designated to supervise Articles 4(12), 5(7) and 5(8), 6(10 and 56(2), and Chapter V (except Article 20) of the Data Act (public-sector data requests), given its role when personal data are involved. ACM and AP will coordinate, with ACM serving as the central contact point or “data coordinator.”</p>	<p><b>Fines (proposed):</b> For the ACM’s powers to impose administrative fines, the proposed Act aligns with the penalties ACM can impose in connection with the Data Governance Act. The proposed Act allows the ACM to impose fines up to <b>€1,030,000 per violation or 10% of the offender’s annual turnover</b> in the European Union (whichever is higher). The AP has the power to impose fines up to <b>20 million Euro or 4% of the offender’s global annual turnover</b> (whichever is higher), in line with penalties under the GDPR. Both supervisory authorities can also impose orders to comply under pain of penalties.</p>
Spain	<p><b>Proposed stage.</b> <i>No dedicated national law yet</i> as of 2025. The Data Act will be directly applicable from Sep 2025, but Spain has only begun preliminary work (no finalized draft law publicly in force).</p>	<p><b>To be determined.</b> Spain has not designated a Data Act supervisory authority so far. (It is expected that a national authority will be appointed in forthcoming legislation – for example, a digital affairs ministry or sectoral regulator – with the Spanish Data Protection Agency (AEPD) involved for any personal data aspects.)</p>	<p><b>To be determined.</b> Spain’s implementation will need to introduce sanctions for non-compliance, but details are not finalized. Expected to follow EU guidance by setting <b>significant fines</b> and other penalties to ensure compliance (exact fine levels will be defined in the future Spanish regulation).</p>