



Preserving effective data access under the Digital Omnibus

ISP coalition recommendations on the Data Act compromise amendments (2025/0360(COD)) | 30 September 2026

Who we are

The **Independent Service Providers (ISP) coalition** brings together a broad group of associations representing consumers and operators from the European automotive and mobility-services ecosystem. Together, we work to support a competitive and innovative digital European mobility ecosystem in which independent operators can develop and provide services on fair terms.

What we support

The ISP coalition supports the core principles of the Data Act: effective user control over data generated by connected products, the right to share that data with a third party of the user's choice, and clear obligations on data holders to make data accessible. For the automotive and mobility sector, these principles are essential to competition, innovation, consumer choice and the development of affordable and sustainable services.

Issue and provision	ISP position
Definition of Access Article 2(4c)	Support deletion of the proposed definition. By stating that access does not 'necessarily imply the transmission or downloading of data', the definition could reduce access to view-only solutions, preventing the data from being retrieved and reused.
Trade-secret safeguards Articles 4(8) and 5(11)	Ensure that the trade secret safeguard remains an exceptional mechanism and cannot be used to undermine the Data Act's objective of effective data access. Otherwise, it could become a routine ground for refusal. A refusal should rest on objective evidence, cover only the specific data concerned and be reviewed by the competent authority within a set deadline.
Fair and effective compensation Articles 9(1) and 2(61)	Add "A margin shall not exceed a reasonable return on investment" to Article 9(1), keeping the Commission's definition in Article 2(61). Article 9(1) allows a margin but sets no upper limit. Capping it prevents excessive prices that would deter access.
Stakeholders in the European Data Innovation Board Recital 26b, Articles 41a(2) and 42	Ensure meaningful involvement of affected stakeholders. Users, SMEs and sector operators are the first to face obstacles in practice. Their balanced participation helps authorities detect problems early and enforce the Data Act consistently.
Sector-specific framework for vehicles New Article 5(1a)	Introduce an empowerment for a tailored framework on vehicle-generated data, functions and resources. Vehicle data raises specific safety, security and interoperability questions. A delegated act complementing type-approval (Regulation (EU) 2018/858) would set data categories, access modalities and security measures without reopening the Data Act.
Definition of 'Connected Products' Article 2(5)	Reject any redefinition of "connected product". Keep Article 2, point (5) of the Data Act unchanged. (Amendment introduced by the European Parliament) A 'primary function' test would exclude vehicles, whose primary function is transport, and many other connected products. The current definition works and the Commission does not propose to change it.
Effective real-time access to Product Data New Article 3(1a)	Ensure effective real-time user access to Product Data. (Amendment introduced by the European Parliament) Real-time access is required for data shared on request (Articles 4 and 5), but not for the default access route (Article 3(1)). The amendment closes that gap, unless the data holder explains why it is not technically feasible.

Conclusion

The Digital Omnibus should simplify the Data Act without weakening rights that have only just started to apply. The ISP coalition calls on the co-legislators to keep data access effective, timely and fairly priced, to keep vehicles within its scope, and to ensure that exceptions remain exceptions. We stand ready to share our expertise to support this work.