

The EU Data Act

Cloud and Edge Computing Services

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An Introduction

The EU Data Act is designed to facilitate the free flow of data within the EU. To achieve this goal, it establishes a comprehensive set of obligations for providers of 'data processing services', which includes most cloud and edge computing service (incl. IaaS, SaaS and PaaS) offering their services on the European Economic Area (EEA) market, whether in B2C or B2B contexts.

New Key Obligations for Service Providers

The EU Data Act seeks to address cloud vendor lock-in effects by removing contractual, technical, and commercial hurdles so that cloud customers can switch seamlessly from one provider to another. Related key obligations for cloud and edge computing service providers under the EU Data Act include:



Obligation to enable **switching of services** and porting data to another service provider or moving the processing on-premise.



Obligations to provide for **open interoperability** specifications.



Requirements for a gradual **removal of switching charges** with an obligation to phase out all switching charges by 12 Jan 2027.



Obligation to take measures (e.g., encryption, audits) to prevent **third-country governmental access** to non-personal data held in the EEA, and ensure transparency.

Focus Areas When Preparing for Compliance

- Review and amend (default) **customer contracts** (incl. related documentation) and update existing contractual relationships.
- Implement technical and organisational measures for switching process.
- Gradually remove switching charges in line with EU Data Act timeline.
- Review and (if necessary) amend governmental data access policies and procedures.



We work with our clients on Data Act projects, offering legal analysis, templates, best practices and guidance for implementation and data inventory efforts.