

The EU Data Act

Connected Products & Related Services

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An Introduction

Regulation (EU) 2023/2854 (Data Act) establishes obligations for manufacturers of ‘connected products’ (e.g. IoT, smart devices, automobiles, medical products, intelligent buildings, agricultural and industrial machinery) and providers of ‘related services’ (digital services linked with connected products).

A Radical Shift in Data Access



In its aim to create a competitive and innovative data market by unlocking industrial data and dismantling data silos, the Data Act transfers ownership and control of data collected and generated by connected products from the data holder (e.g., the manufacturer) to the user.

Access on Request (Art. 4)

Users may request access to product and service data, possibly including trade secrets.

Transfer on Request (Art. 5)

Users may request data to be transferred to a third party of their choice.

Access by Design (Art. 3)

Future products and services must be designed to provide (direct) data access by design.

Focus Areas When Preparing for Compliance

Safeguard your data use interests as the manufacturer and provider.

Revise your Terms & Conditions; draft user agreement

Gather and provide necessary information for transparency compliance.

Prepare to fulfill user access and transfer requests.

Design new products with access by design in mind.

11 Jan
2024

Regulation
entered into force



12 Sept
2025

Access rights & most
obligations apply



12 Sept
2026

Access by design
obligations apply



12 Sept
2027

FRAND
requirements
for Terms &
Conditions in B2B



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