

Driving Innovation: The Data Act and the Automotive Sector

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Why a Data Act?

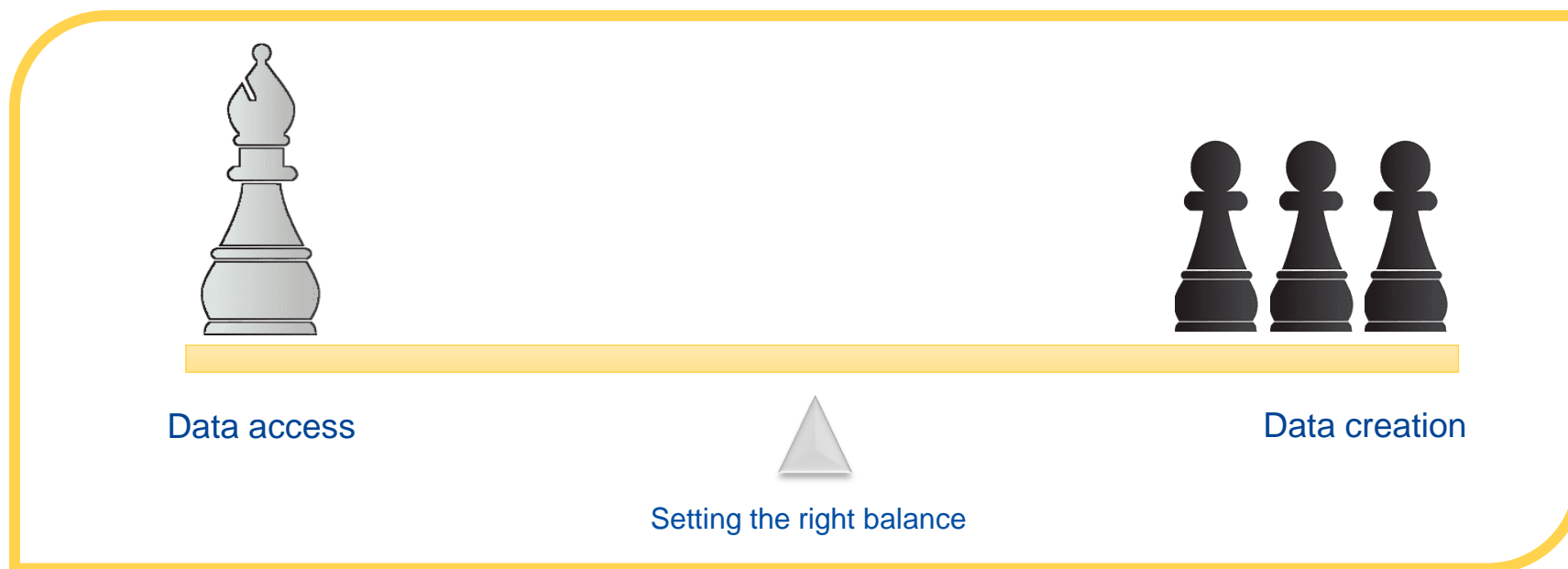
- Potential of data, particularly industrial data, is *not fully realised*
- Lack of clarity as to **who** can create value from **what** data, under **which** conditions
- Risk of **fragmentation** in the EU market, which leads to higher compliance costs



The Data Act is a **game-changer** for access to and use of data



Balance the interests of those who invest in data technologies with those who contribute to data generation



Data Act

My focus today



Better access to IoT data

Rules for IoT data also frame data sharing in other sectors



Tackle **contractual unfairness** in B2B data sharing



Make **business data available** for the common good (B2G)



Easier **switching** between cloud services



Facilitate data flows through **standards** and **interoperability**, in particular for data spaces



Use of data in the IoT context (B2B & B2C)

Before



User
(individual or company)

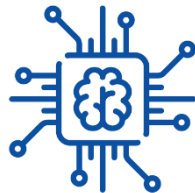
Limited
application
of portability

Little to no
interaction



Manufacturer

Various obstacles
for data sharing
(technical, legal, etc.)



Third Party

After



User
(individual or company)

Enhanced
access and
transparency

Granting access to
data for improved
services



Manufacturer

Clear and fair rules
on data use



Third Party



Basic framework under Ch. II

- **User rights**

- Right to access & use data:
 - Users can access and use **readily available data** generated by IoT objects from the **data holder**
- Right to share data:
 - Users can request the **transfer of the data** to a **3rd party** of their choice



User = has contractual relationship to the object

- **Limitations and safeguards**

- Data sharing is subject to:
 - **Personal data protection | Trade secrets | Operational safety**
- **3rd party access** via user or via data holder, poss. **under FRAND terms**



Transparency obligation in Article 3

The seller, rentor, or lessor must *ex ante* inform users about:

- **What data is generated**
 - Type, format & volume
 - Real-time data generation capability
- **Where & how it is stored**
 - On-board vs. remote servers
 - Retention period
- **How users can access or share it**
 - Technical means for access, retrieval, erasure
 - Terms of use, including quality of service
- **Third-party use & trade secrets**
 - Whether data will be shared with third parties
 - Whether data represents/contains trade secrets, and what to do to preserve them
- **Contractual basics**
 - Data holder identity & contact
 - Duration of contract & termination terms
 - Right to lodge complaints with authorities

Information should be clearly provided, ideally as online documentation via a web link or QR code, and storable for the user's future reference.



FAQ #1: What's next for the automotive sector?

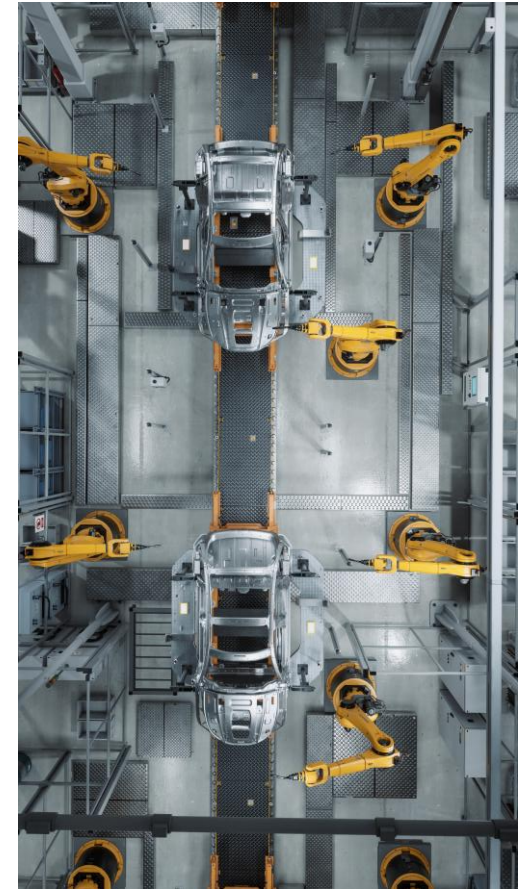
Industrial Action Plan for the European automotive sector

Adopted on 5
March 2025

However, due to many specificities of connected motor vehicles and its potential to open new business opportunities, including on bi-directional and smart charging, complementary measures are needed. The Commission will therefore take adequate measures to allow the full automotive ecosystem to reap the benefits of data from connected vehicles, in particular through the application of the Data Act and Guidance on in-vehicle data that will be published at the start of application of the Data Act. The Commission will, upon assessment of the effects of the Data Act, consider further action, including a legislative proposal on access to in-vehicle data and the possibility to establish a European Automotive Data Platform. In this context, it will also take into account cybersecurity considerations, including for remote access to data.

FAQ #2: Obligation to redesign products?

- Manufacturers “shall” ensure direct data access - but only when:
 1. It is relevant, and
 2. It is technically feasible
- Key interpretation:
 - The “shall” is not absolute
 - There is a margin of discretion for the design of connected products
 - Makers can choose direct or indirect user access
- Why this matters:
 - **No obligation to redesign products**
 - Do not assume all data must be directly accessible by design
 - But transparency rules still apply – users must know *what* and *how*



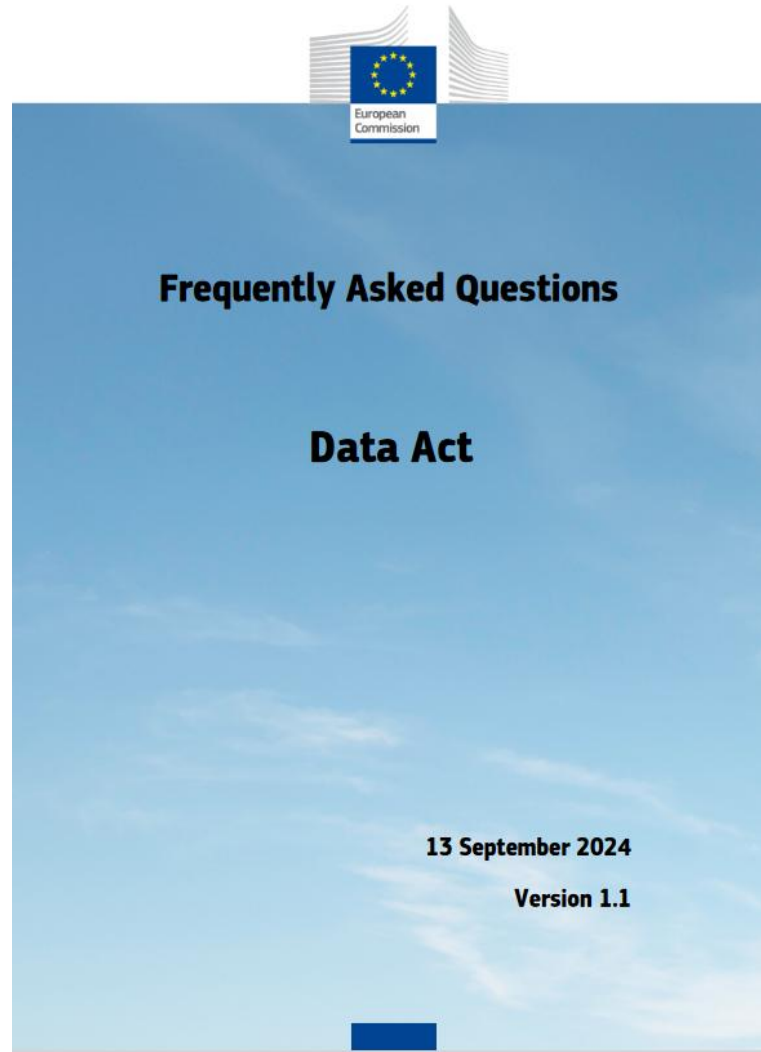
FAQ #3: What data is in scope of Ch. II?

- Applies to connected products and related services that
 - Generate or collect data via **sensors or user interfaces**
 - Transmit data via **networks or cables**
 - Include data on **use, performance, or environment** (incl. when off/stand-by)
- What types of data are covered? → Recitals 14-16
 - **In scope (raw/pre-processed data + metadata)**
 - Sensor-generated data (e.g. speed, oil temp, brake wear, tire pressure)
 - Data from user interaction (e.g. touchscreen, buttons)
 - Data recorded by steering software or web service
 - **In scope if certain conditions are met**
 - Environmental data (e.g. icy road) → *is it triggered by user interaction and/or related to product use?*
 - **Out of scope**
 - Inferred or derived data (e.g. predictive maintenance, behaviour analysis)
 - Content (e.g. videos, music, messages, etc.)

Disclaimer:
upcoming EC
guidelines may
modify/specify
this list



Frequently Asked Questions



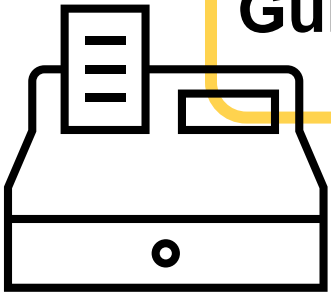
MCTs and SCCs

Model Contractual Terms for B2B data sharing and Standard Contractual Clauses for cloud contracts - Q3 2025

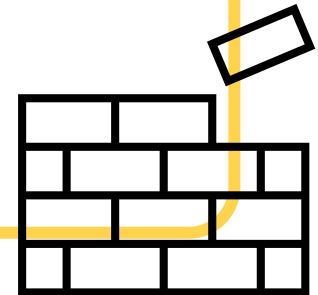


Guidelines and Standards

Guidelines on reasonable compensation – Q3 2025



Interoperability and standardisation efforts – The standardisation request for a **European Trusted Data Framework** is in progress



Thank you



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