

The EU Data Act

Cloud and Edge Computing Services

Hogan
Lovells

Action Items for

Implementation of Switching Requirements

The EU Data Act requires providers of cloud and edge computing services to enable their customers to switch to a different service provider of the same service type, to export their data to on-premise infrastructure, or to use services of several providers at the same time. There are four key areas to consider when preparing for compliance.

Customer Contracts

Ensure that new and existing contracts include the minimum provisions required under the EU Data Act. E.g., contracts must allow customers to initiate the switching process at any time with a maximum two months' notice.

1. Review and update **default contracts** (e.g. by EU Data Act Addendum).
2. Identify and update relevant **existing customer contracts**.
3. Update **contract management** procedures.

Transparency

Provide mandatory information on switching process and data porting.

1. Identify relevant **contractual documentation**.
2. Draft required Data Act **notices**.
3. Set up **online register** with details on exportable data structures, formats and open interoperability specifications.

Technical & Organisational Measures

Consider EU Data Act requirements in the product design.

1. Identify and specify all categories of **exportable data** and digital assets subject to the switching process.
2. Implement workflow for **switching process**, incl. timelines and data reporting and erasure procedures.
3. Review and amend procedures for customer **exit strategy** and **business continuity** support.
4. Implement measures to meet **open interface** (SaaS and PaaS) and **functional equivalence** (IaaS) requirements.

Switching Charges

Ensure compliance with switching charges restrictions.

1. Gradually **withdraw switching charges** as of 11 Jan 2024.
2. Draft required Data Act **notices**.
3. Ensure that **no switching charges** are imposed as of 12 Jan 2027.



We partner with our clients to achieve EU Data Act compliance by providing a comprehensive compliance checklist, conducting gap analyses, offering customizable templates, and delivering expert guidance for effective implementation.