

# DATA ACT (DA)

**Your rights as an operator**

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**vgbe Expert Event - O&M Wind Power 2026**

**5 and 6 May 2026**

**Online**

# DATA ACT (DA)



## Regulation (EU) 2023/2854

Sets out who can  
derive value from  
data!

## Part of the EU Data Strategy

In force since **12  
September 2025.**

*"The Data Act is a key pillar of the European Commission's European strategy for data.*

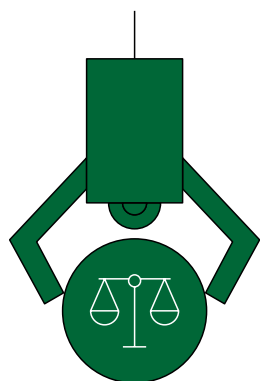
*The Data Act establishes new rules for accessing, using and sharing data from devices connected to the internet, also known as Internet-of-Things (IoT) devices.*

*The objective is to break up existing data silos and improve data availability in the European Union."*

<https://www.bundesnetzagentur.de/EN/Areas/Digitalisation/DataAct/sart.html>

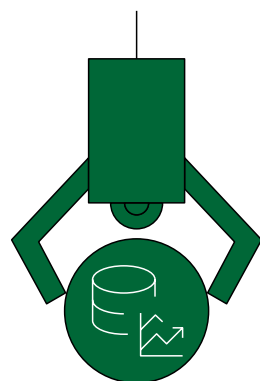
# DA-EU DATA STRATEGY

## Objectives of the EU Data Strategy - a competitive data market for Europe



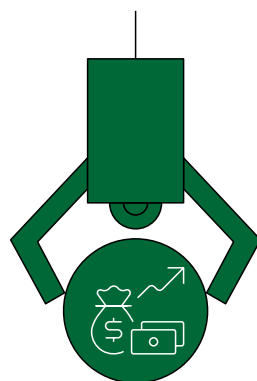
### Key objectives

Interoperability of data and data usability, and legal certainty



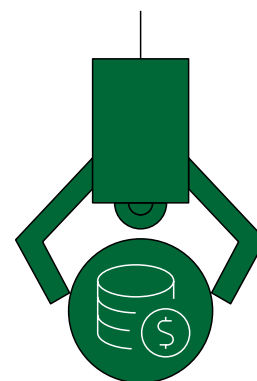
### Data as an economic asset

Data quality is becoming more important



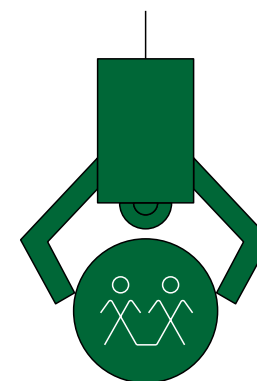
### GDP growth

Growth by 2028: +1.98 percentage points.



### Increased turnover

Annual turnover increase: approx. €200 billion.



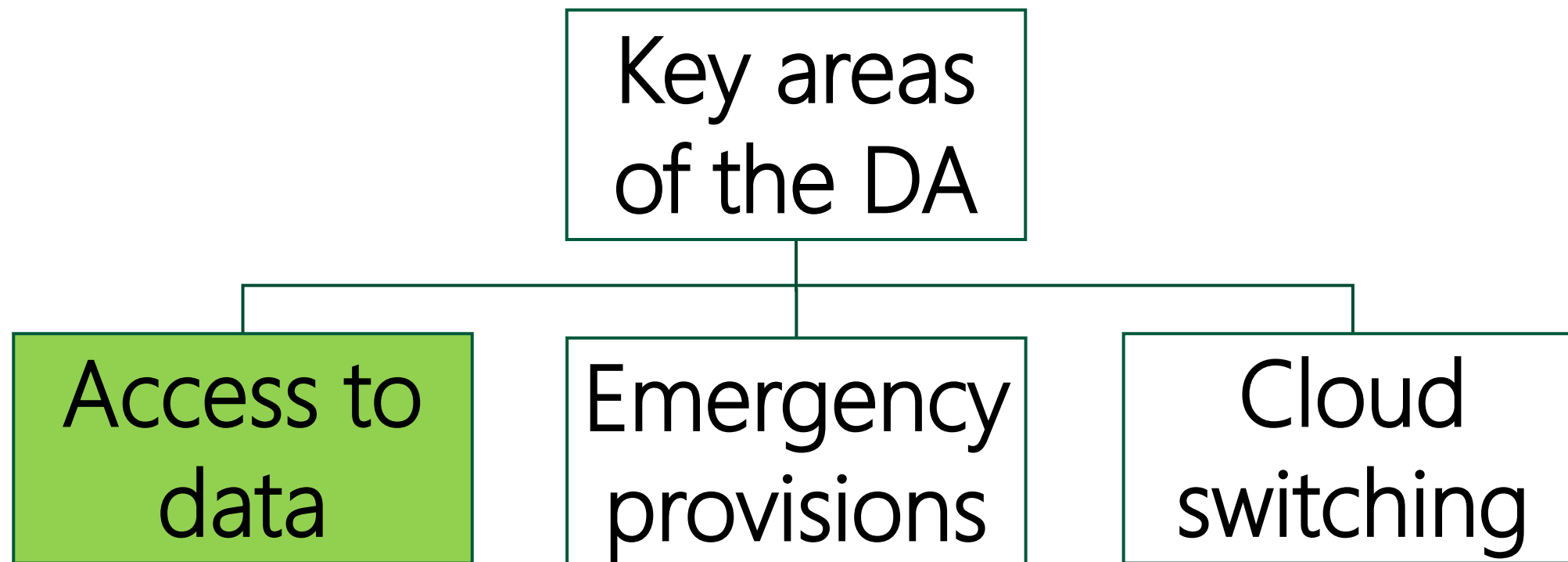
### New jobs

2.2 million new jobs.

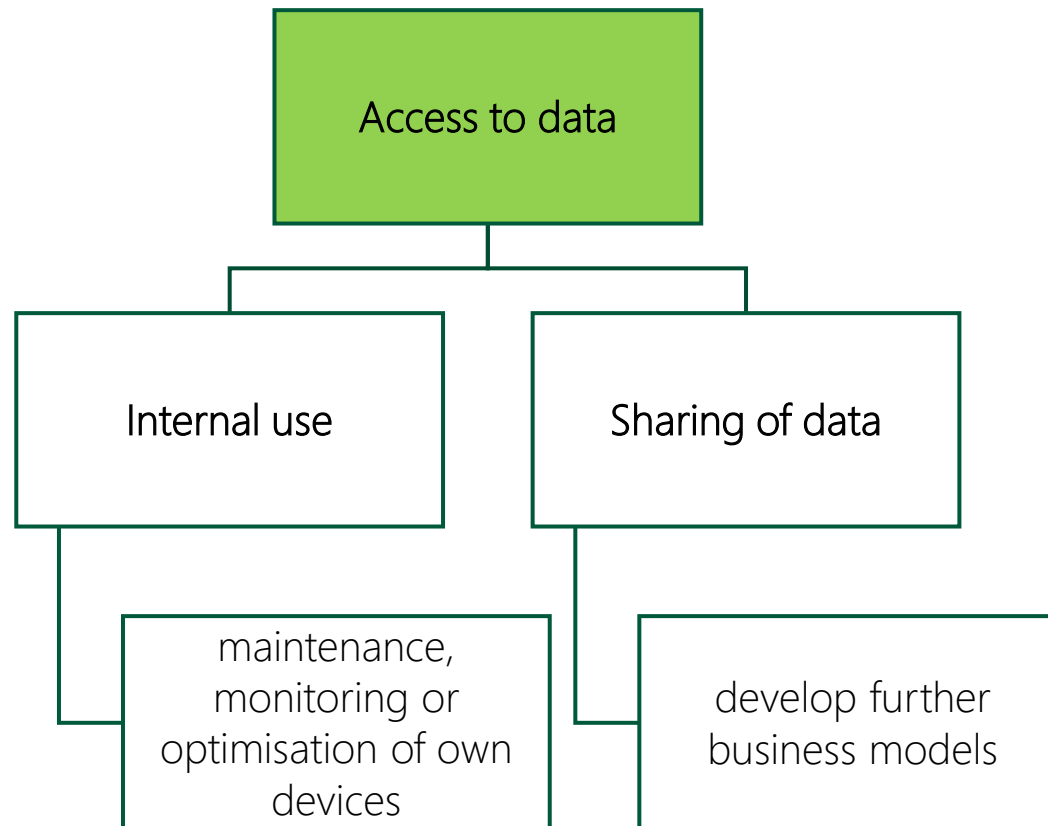
<https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:52022SC0035>

<https://digital-strategy.ec.europa.eu/de/policies/strategy-data>

# DATA ACT – KEY AREAS



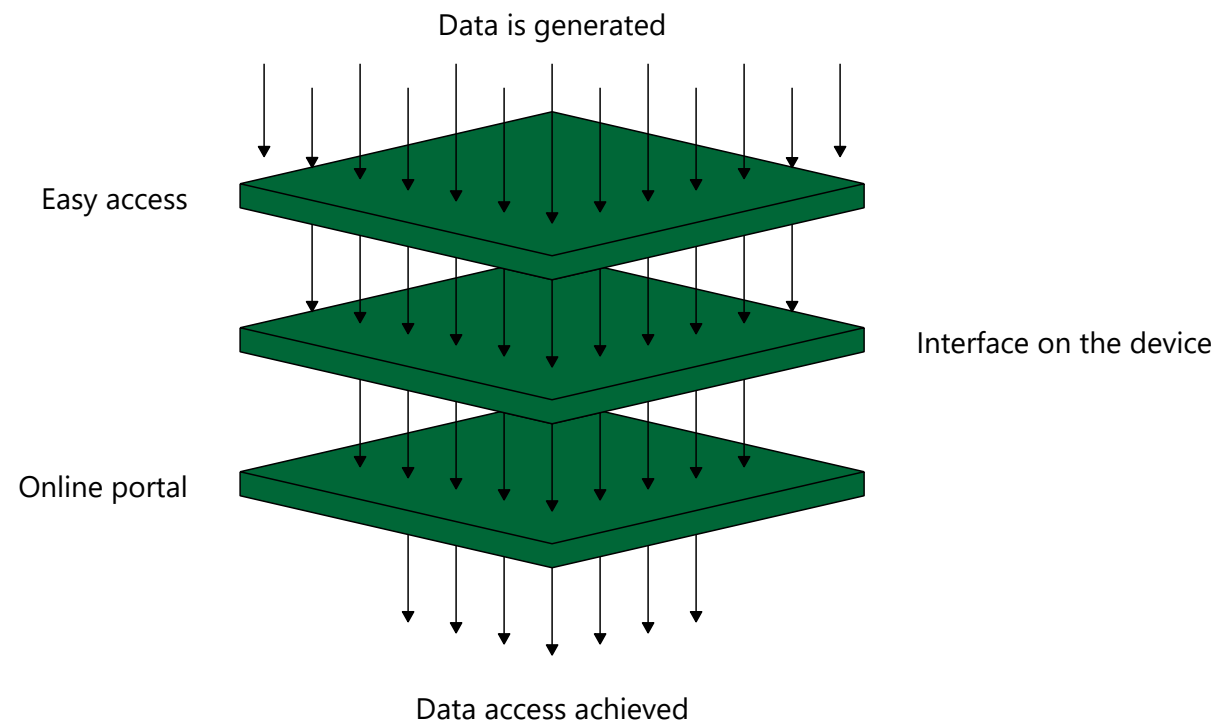
# DATA ACT – KEY AREAS



# DA = DATA ACCESS

Access to the data generated through the **use** of the **connected product** or **related service**!

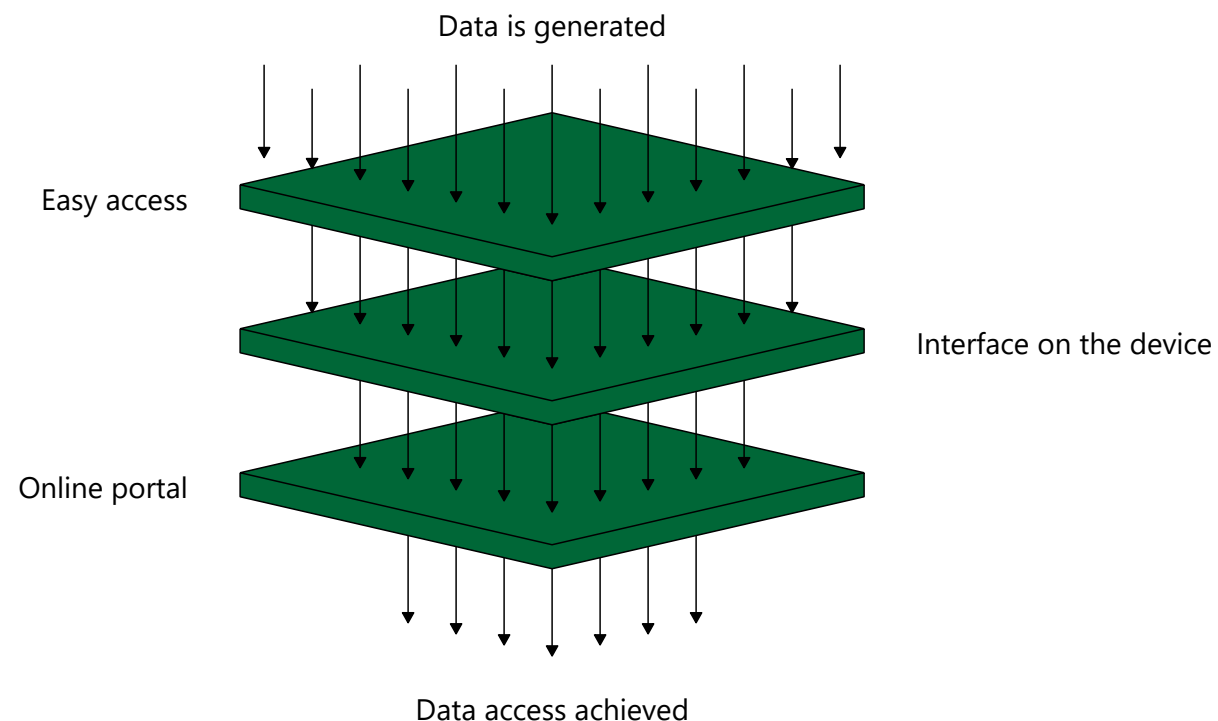
As simple as possible, e.g. via an interface on the device or an online portal.



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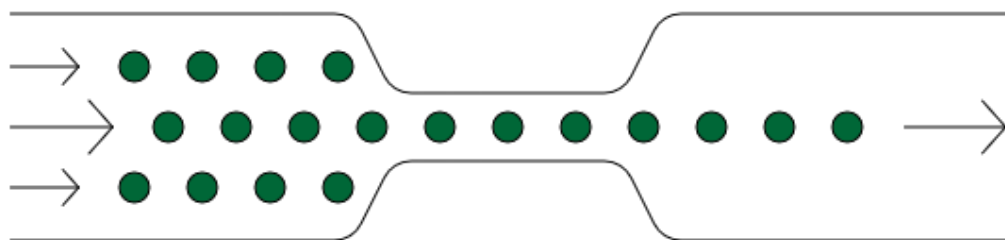
Does this also apply to wind turbines and the subsystems used in them?

# DA = DATA ACCESS

YES!

Basic classification: Wind turbines = connected products

The German Federal Network Agency explicitly lists them in the category "*connected industrial machinery and equipment*" alongside robots, pumps and agricultural machinery.



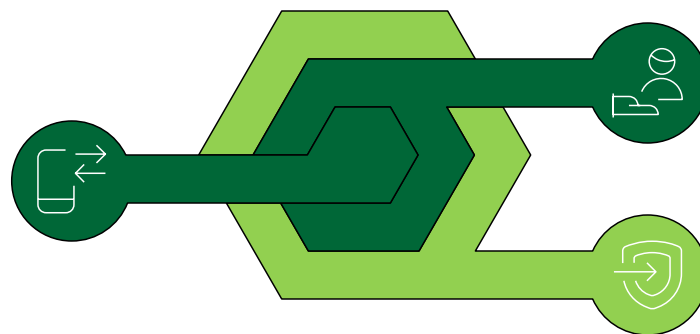
Access to subsystem data and embedded systems  
(e.g. icing detection systems)

<https://www.bundesnetzagentur.de/DE/Fachthemen/Digitales/DataAct/Hintergrund/1-Daten/start.html>

# DA = ROLES

Who has access rights and who must grant them?

**Data recipient**  
party to whom the data  
is disclosed at the user's  
request



**User**

as the authorised operator  
e.g. of the wind turbine and  
its subsystems

**Data holder**

provider as the party responsible for  
the respective system / manufacturer

# DA = DATA ACCESS

## Practical implications for operators

1. To **request access to all usage data** – including data from subsystems such as icing detection systems ([Art. 4 DA](#))
2. To **have this data passed on to third parties** (including rawdata) ([Art. 5 DA](#))
3. To **receive the data** in a structured, machine-readable format (XML, JSON, CSV)

Data quality: same quality as that of the data holder

# DA = DATA ACCESS

## 'Accessibility by Design'

For wind turbines and subsystems placed on the market **after 12 September 2026**, the 'Accessibility by Design' product design requirement also applies. This also includes data from embedded sensors and subsystems such as: icing detection systems; vibration sensors; power measurement systems; condition monitoring systems; weather sensors, etc.

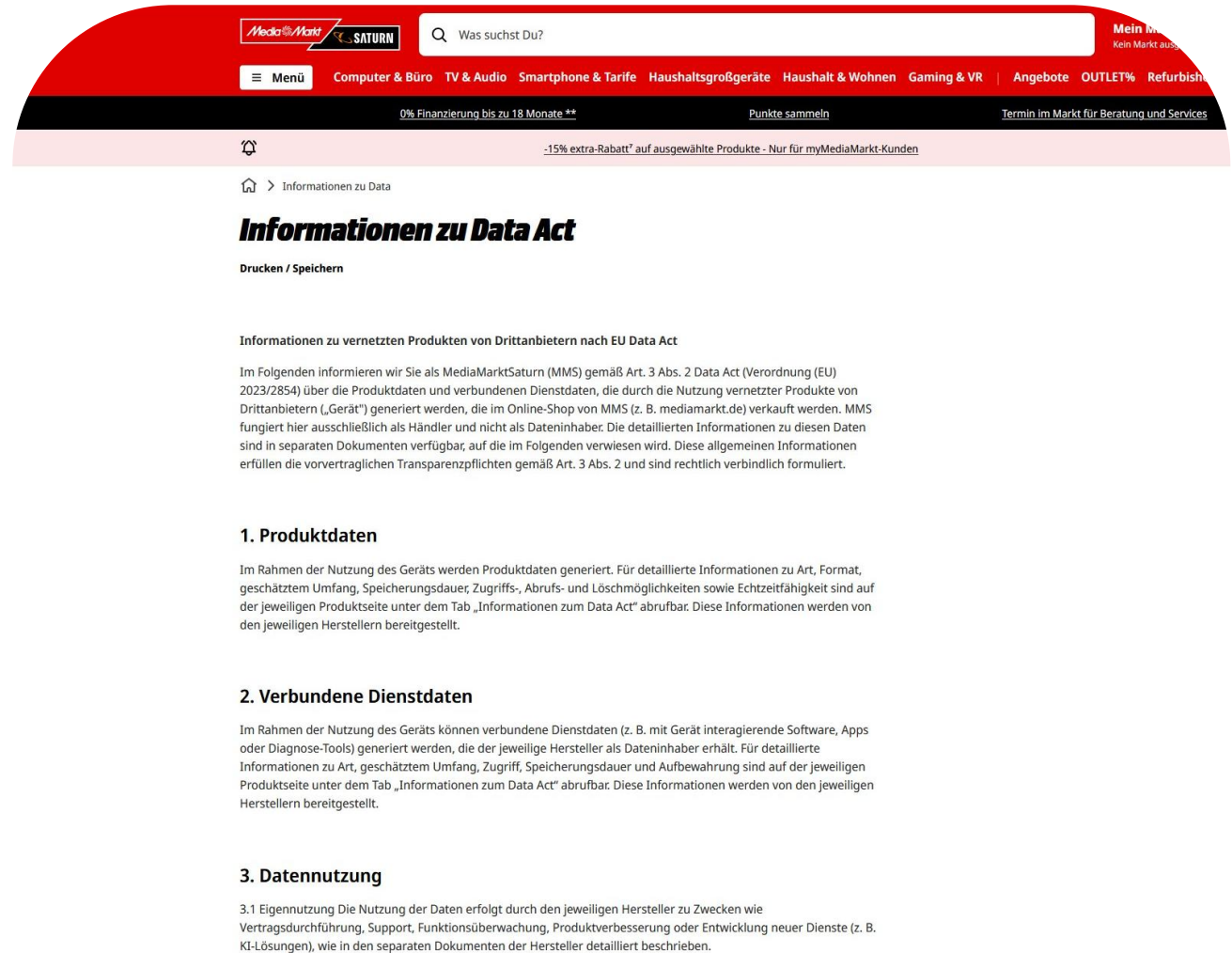
The manufacturer must ensure, right from the product development stage, that all data is accessible via standardised interfaces. The user must be able to access their raw data.

Procurement requirements as a tender criterion

# DA = DATA ACCESS

Further consequences for providers

Data holders' information obligations prior to contract conclusion (data, structures, formats, categories that cannot be transferred)



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Informationen zu Data

## Informationen zu Data Act

Drucken / Speichern

### Informationen zu vernetzten Produkten von Drittanbietern nach EU Data Act

Im Folgenden informieren wir Sie als MediaMarktSaturn (MMS) gemäß Art. 3 Abs. 2 Data Act (Verordnung (EU) 2023/2854) über die Produktdaten und verbundenen Dienstdaten, die durch die Nutzung vernetzter Produkte von Drittanbietern („Gerät“) generiert werden, die im Online-Shop von MMS (z. B. mediamarkt.de) verkauft werden. MMS fungiert hier ausschließlich als Händler und nicht als Dateninhaber. Die detaillierten Informationen zu diesen Daten sind in separaten Dokumenten verfügbar, auf die im Folgenden verwiesen wird. Diese allgemeinen Informationen erfüllen die vorvertraglichen Transparenzpflichten gemäß Art. 3 Abs. 2 und sind rechtlich verbindlich formuliert.

#### 1. Produktdaten

Im Rahmen der Nutzung des Geräts werden Produktdaten generiert. Für detaillierte Informationen zu Art, Format, geschätztem Umfang, Speicherdauer, Zugriffs-, Abrufs- und Löschmöglichkeiten sowie Echtzeitfähigkeit sind auf der jeweiligen Produktseite unter dem Tab „Informationen zum Data Act“ abrufbar. Diese Informationen werden von den jeweiligen Herstellern bereitgestellt.

#### 2. Verbundene Dienstdaten

Im Rahmen der Nutzung des Geräts können verbundene Dienstdaten (z. B. mit Gerät interagierende Software, Apps oder Diagnose-Tools) generiert werden, die der jeweilige Hersteller als Dateninhaber erhält. Für detaillierte Informationen zu Art, geschätztem Umfang, Zugriff, Speicherdauer und Aufbewahrung sind auf der jeweiligen Produktseite unter dem Tab „Informationen zum Data Act“ abrufbar. Diese Informationen werden von den jeweiligen Herstellern bereitgestellt.

#### 3. Datennutzung

3.1 Eigennutzung Die Nutzung der Daten erfolgt durch den jeweiligen Hersteller zu Zwecken wie Vertragsdurchführung, Support, Funktionsüberwachung, Produktverbesserung oder Entwicklung neuer Dienste (z. B. KI-Lösungen), wie in den separaten Dokumenten der Hersteller detailliert beschrieben.

Example: <https://www.mediamarkt.de/de/legal/data-act?srsId=AfmBOopzxud1Ri4LWxgkVa71982mOa0wOpNs2iPg5vZU1RI0f9-wjlde>

your rights as an operator

# DA = DATA ACCESS

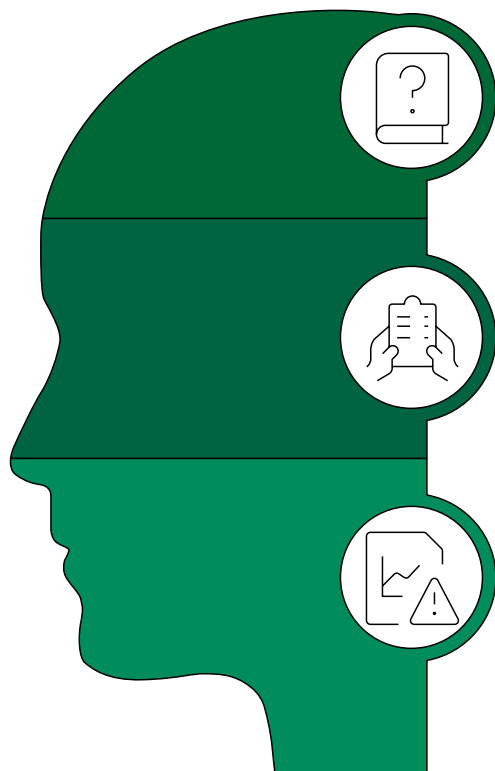
## Model Contract Terms (MCTs)

- Data quality: same quality as that of the data holder
- Parameters are defined in an annex

<https://digital-strategy.ec.europa.eu/de/library/draft-recommendation-non-binding-model-contractual-terms-data-access-and-use-and-non-binding>

# DA $\neq$ ACCESS TO DATA

## Protection of trade secrets in data provision



### Obligations of data providers

Companies are not required to disclose confidential information if protective measures are lacking

### Obligations of data recipients

Recipients must protect trade secrets and avoid disclosure

### Risk management

Data disclosure should be avoided where there are risks to trade secrets or where security requirements are compromised

# DA $\neq$ ACCESS TO DATA

If a manufacturer fears that the disclosure of sensor data could lead to the disclosure of sensitive information (e.g. regarding algorithms or maintenance processes), it may request protective measures.

## Agreement and Implementation

Only once these have been agreed and implemented is the manufacturer required to provide the data.

# DA = ACCESS TO DATA BY MANUFACTURERS

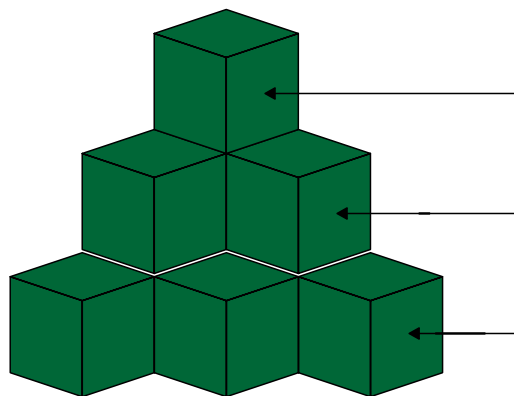
## Use of generated data by manufacturers and third parties

If manufacturers of connected products or third parties wish to use the data generated in this process – i.e. data in respect of which the Data Act grants rights to the users/operators of the machine – such use for their own purposes is possible:

▶▶ provided this is contractually agreed with the user/operator.

Appropriate data usage agreements should therefore be used to grant manufacturers such rights.

# DA = / ≠ ACCESS TO DATA



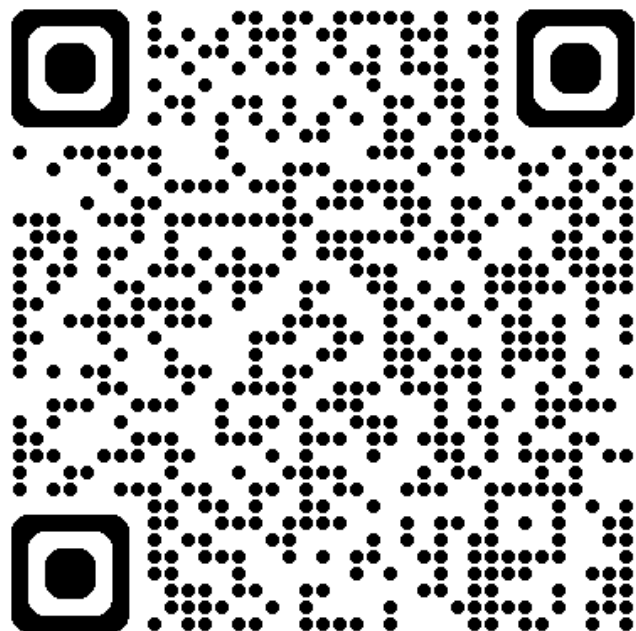
Problem: A small number of manufacturers dominate the market!

Right to seek redress at any stage before a court; settlement body; enforcement by the national regulatory authority: [Art 4 \(3\) DA](#)

Prohibition of unfair terms: (Chapter IV): Protection against unilateral restrictions on data access in sales contracts

FRAND principle: (Fair, Reasonable and Non-Discriminatory) Provision of data on reasonable terms

# WHITEPAPER AND SLIDES



**Der Data Act und seine Auswirkungen auf die Windenergie**

Eine Kurzinformation für die Windenergie-Branche

33. Windenergietage / Forum 14 Digitale Transformation & KI

12. bis 14. November 2025 in Potsdam

#Spreewind

# QUESTIONS? / CONTACT

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