

**NiM Guidance for Implementing EU Data Act
For Nestlé Professional Category**

Version 05 06 2026

1. Context

The EU Data Act, Regulation (EU) 2023/2854, is an EU regulation designed to ensure fair access to and use of data generated by connected products and related services, including by giving users certain rights to access and share such data and by imposing transparency and data-sharing obligations on data holders.

As the core provisions have applied since 12 September 2025, Nestlé Professional (**Npro**) must ensure that the requirements of the EU Data Act are properly assessed and implemented in a consistent manner both at Zone level and by local markets, including through appropriate notices, contracts, operational processes and governance.

2. Applicability to Npro

For Nestlé Professional, the EU Data Act is relevant to our connected professional coffee machines and vending equipment that are capable of electronic communication with Nestlé Professional or authorized service platforms.

In this context, **connectivity** refers to the technical capability of the machine to connect and transmit or receive data, while **telemetry** refers to the machine-generated operational, usage and technical information communicated through that connection, such as preparation volumes, error codes, maintenance status, cleaning cycles, sensor-based information and other performance indicators.

To the extent such connected machines and related services fall within the scope of the Regulation, Nestlé Professional must ensure that the required transparency, access and data-sharing arrangements are implemented in a consistent and operationally workable manner across Zone and local markets.

This guidance is applicable to **connected machines owned by Nestlé**. In the event that Nestlé branded machines are owned by third parties (such as TSO or Distributors) consider, at the earliest convenience, that compliance with the EU Data Act is expressly accounted for as a responsibility of said third party in order to protect consumers, users and/or Nestlé reputation.

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3. Accessibility to data

As a general principle, customers and users have the ability to directly access the raw data generated by connected professional machines. This direct access ensures compliance with the requirements of the EU Data Act, which mandates transparency and the ability for users to obtain data from connected products.

The data accessible through this method is operational and technical in nature, and does not constitute personal data. Instead, it includes information relevant to the functioning and performance of the machines. The storage of this data is handled by Nestlé-selected service providers, maintaining secure and appropriate handling of non-personal technical and usage data.

4. Next steps and guidance to markets

To support consistent implementation of the EU Data Act across Nestlé Professional, local markets should take the following steps, adapted as necessary to their local legal, contractual and operational set-up.

First, local notice. Each market should prepare and publish a local notice inspired by the Category/Zone notice set out in Annex 1, adjusted as appropriate to the local reality, including the local entity acting as data holder, the relevant machine and service set-up, the local access channels, and any specific local legal or operational requirements. Please ensure that this is implemented before the end of 2026, June, the latest.

Second, customer contracts. At the earliest appropriate opportunity, each market incorporates into contracts with affected customers, distributors or operators the customer-facing clauses suggested in Annex 2, whether in new agreements, renewals, amendments or other suitable contractual updates, taking into account the local contracting model and customer relationship. This also applies to contracts with third parties that own Nestlé branded machines – where compliance to the EU Data Act should be emphasized to protect users and/or Nestlé Reputation.

5. Contacts

If you have any inquiries regarding implementation, please contact:

Project Manager	Venelin Kolev	Venelin.Kolev@bg.nestle.com
Legal Coordination	Ana Rita Andrade	ana.andrade@pt.nestle.pt

Includes:

Annex 1 - EU Data Act Notice – Nestlé Professional Europe

Annex 2 - Nestlé Professional – B2B Customers / Distributors / Operators ***

Annex 1

EU Data Act Notice – Nestlé Professional Europe

Nestlé Professional Europe is committed to ensuring transparency and fairness in relation to data generated by its connected professional coffee machines (hereinafter “**Professional Coffee Machines**”) in accordance with Regulation (EU) 2023/2854 (the “EU Data Act”).

This Notice is addressed to **customers and users in a professional or commercial context** who operate Nestlé Professional connected equipment and related services within the European Union.

This Notice explains:

- what data may be generated by Nestlé Professional connected products;
- how such data can be accessed directly or shared upon request; and
- the rights and obligations applicable under the EU Data Act.

This Notice applies only to **non-personal technical and usage data** within the scope of the EU Data Act.

Our **Professional Coffee Machines** do not collect personal data except for the Customer’s corporate identity and machine location under the terms and purposes of the existing commercial agreements.

Information on how we process **personal data** in our business (where applicable) is provided separately in the applicable Privacy Notice(s), which apply independently of this Notice.

This is a general notice for Europe from **Nestlé Professional Division**. Further details can be found in the website of Nestlé’s local entities in each country, being each entity the data holder.

1. Connected Nestlé Professional Coffee Machines

Nestlé Professional coffee machines with connectivity and telemetry equipment (“**Connected Products**”) may generate data relating to their operation, usage, and technical performance (“**Product Data**”).

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2. What type of data may be generated

All connected Professional Coffee Machines owned by Nestlé Professional, regardless of the model, collect basic usage, operational and technical data as follows:

Self-Serve Machines* - non operated by Customer -	Serve Machines -operated by Customer-
USAGE AND OPERATIONAL DATA	
<ul style="list-style-type: none">• Number of preparations and usage volumes• Price charged per beverage• Selected recipes or programs• Operating modes• Timestamps related to machine use	<ul style="list-style-type: none">• Number of preparations and usage volumes• Price charged per beverage• Selected recipes or programs• Operating modes• Timestamps related to machine use
TECHNICAL STATUS AND PERFORMANCE DATA	
<ul style="list-style-type: none">• Error codes, warnings, or alerts• Maintenance status indicators• Cleaning or service cycles• Sensor-based technical information	

** Self-serve machines have often associated a payment terminal machine which, however, does not store consumer data on the Professional Coffee Machines and therefore does not share data with Nestlé Professional except for price charged and successful payment for operational purpose but anonymized. These payment methods are usually contracted by customer and are outside the scope of responsibility of Nestlé.*

3. Where and how data is stored

This data is accessible directly at the Professional Coffee Machine display or at Nestlé Professional systems or authorized service platforms.

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Data is initially stored locally on the Professional Coffee Machine and, where connectivity is enabled, securely transmitted to Nestlé Professional systems or authorized service platforms.

Data may be generated continuously or at defined usage or event triggers, depending on the technical design of the Professional Coffee Machines.

4. Your rights under the EU Data Act

In accordance with the EU Data Act, eligible users of Connected Products have the right to:

- **Access** the Data generated by your use of the Connected Product, and
- **Request that Data be made available**, at the user's request, to:
 - the user directly, and/or
 - a third party designated by the user.

As a general rule, customers may access the data directly at the Professional Coffee Machines. However, if customer or user has difficulty accessing or has further queries, may request for such data and those requests shall be handled in accordance with the conditions, technical feasibility, and safeguards provided for under the EU Data Act. Customers may contact their local representative or customer service via www.nestleprofessional.sk or by email at np@cz.nestle.com

5. Sharing of data with third parties

Where a user validly requests that Data be shared with a third party:

- Data will be made available **only for the purposes specified by the user**;
- Appropriate technical and organizational measures will be applied to protect confidentiality, trade secrets, and security; and
- Third parties receiving Data are subject to the obligations applicable to data recipients under the EU Data Act, including limitations on use and onward sharing.

As explained above, Nestlé Professional Europe does not collect nor transfer personal data under this Notice.

6. Limitations and safeguards

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The exercise of rights under the EU Data Act may be subject to:

- verification of the requester's entitlement,
- technical feasibility,
- protection of trade secrets and sensitive commercial information, and
- compliance with other applicable EU or national laws.

Where Data cannot be shared in full, Nestlé Professional Europe will explain the relevant limitations in accordance with the EU Data Act.

8. Relationship with contracts

Nothing in this Notice affects:

- existing commercial agreements between Nestlé Professional Europe and its customers, or
- contractual terms governing pricing, services, liability, or intellectual property,

except to the extent required by the EU Data Act.

9. Contact

For questions or requests relating specifically to data access or sharing under the EU Data Act, please contact:

Nestlé Professional Europe

np@cz.nestle.com / www.nestleprofessional.sk