

September 14, 2021

Comments on the Preliminary Report on the initial findings of its ongoing competition sector inquiry into the consumer Internet of Things (IoT) ("Preliminary Report")

The Preliminary Report is a comprehensive description of the status quo and we largely agree with the conclusions that the European Commission has drawn from the survey.

There are two small points we would like to make:

- **Section 290:** It is mentioned that *"most respondents explain that they do not have a mechanism in place for direct transmission of data to another data controller as set out in Article 20(2) GDPR (...)"*. We want to stress that - if explicitly requested by the data subject - such data can be provided to another data controller in a structured, commonly used and machine-readable format. However, due to different formats used by different data controllers, there is no guarantee that the recipient can directly use such data in its systems.
- **Section 393:** It is stated that *"respondents indicate that it is generally not possible to provide richer functionality and user experiences through third-party technology platforms than what is provided by the first-party products offered by technology platform providers themselves making it difficult to compete directly with many of the consumer IoT services and smart devices provided by leading consumer IoT technology platform providers."* Regarding smart home appliances (which can - in case of a malfunction - cause risks of fire or flooding) we want to stress that certain restrictions with data provided at the API are induced by safety aspects.