



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Message 301

Communication from the Commission - TRIS/(2025) 0179

Directive (EU) 2015/1535

Notification: 2025/0012/FR

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információkérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

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1. MSG 301 IND 2025 0012 FR EN 10-04-2025 23-01-2025 COM INFOSUP COM 10-04-2025

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0012/FR - SERV60 - Internet services

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the French authorities notified to the Commission on 9 January 2025 the draft "Decree implementing Article 29 of Law No 2024-449 of 21 May 2024 to secure and regulate the digital space" (hereinafter "notified draft").

The draft implementing decree guides ARCEP in carrying out the powers assigned to it under Art. 29 of law no. 2024-449 of 21 May 2024 aimed at securing and regulating the digital space (referred to as the "SREN"). This article requires cloud computing service providers to ensure that their services meet essential requirements in terms of interoperability, portability and open application programming interfaces.

The Data Act (Regulation (EU) 2023/2854) adopted on 13 December 2023 contains similar provisions as the ones included in SREN. Most of the Data Act provisions will enter into application on 12 September 2025.

o Art. 30 (2) of the Data Act requires PaaS and SaaS providers to "make open interfaces available to an equal extent to all their customers and the concerned destination providers of data processing services free of charge to facilitate the switching process. Those interfaces shall include sufficient information on the service concerned to enable the development of software to communicate with the services, for the purposes of data portability and interoperability."

o Art. 30 (3) of the Data Act further specifies that PaaS and SaaS providers "shall ensure compatibility with common specifications based on open interoperability specifications or harmonised standards for interoperability at least 12 months after the references to those common specifications or harmonised standards for interoperability of data processing services were published in the central Union standards repository for the interoperability of data processing services following the publication of the underlying implementing acts in the Official Journal of the European Union in accordance with Article 35(8)."

o Article 35 of the Data Act lays down the procedure for publishing references to harmonised standards and common



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specifications (based on open interoperability specifications) in the repository. It also outlines the requirements that standards and specifications must meet to qualify for recognition in the repository.

The Commission services is currently preparing the ground for the central Union standards repository for the interoperability of data processing services. With the help of a contractor, the mapping of the landscape of existing harmonised standards and open interoperability specifications that could be published in the repository is being carried out. The Commission services have already been in contact with ARCEP for such purposes. Further to this, the Commission will prepare an implementing act to publish the reference to relevant standards and specifications in the repository. The repository will take the shape of an online platform.

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the French authorities are kindly invited to reply to the following request for supplementary information:

1. Article 35 (5) and (8) of the Data Act provide that, by means of implementing acts, the Commission may “adopt common specifications based on open interoperability specifications covering all of the essential requirements laid down in par 1 and 2” of the Act and shall “publish [...] common specifications for the interoperability of data processing services in a central Union standards repository for the interoperability of data processing services”. Considering the objective to promote interoperability of services across Member states, could you clarify how the specifications referenced in this Decree will be aligned with, or positioned in relation to, this repository and the common specifications established at the EU level? Will references to harmonised standards and common specifications from the future EU repository be automatically carried over into the work of ARCEP?
2. The Commission services would welcome more information on the personal scope of the notified draft. In particular, the French authorities are kindly requested to indicate whether the notified draft would maintain the personal scope set out in loi SREN (Article 35), and therefore would apply to service providers: 1. established in France and third countries; and 2. To services providers established in other Member States only in compliance with Article 3 of Directive 2000/31/EC.
3. With reference to Article 1 of the Decree, could you kindly clarify the meaning of the provision stating that ARCEP “shall specify the rules and procedures for implementing the essential requirements referred to in Art. 28(II) of the SREN after consulting with the public”? Specifically, what does this public consultation process entail? Will it be conducted on a single occasion, or will it involve multiple engagements? Furthermore, will the consultation be limited exclusively to French cloud providers and customers, or will it encompass a broader scope of stakeholders? Lastly, could you confirm whether such consultation activities have already commenced? If so, further details regarding their status and scope are kindly requested.
4. Regarding Article 1 of the Decree, could you clarify why it is less specific than Article 29 (I) in the SREN and does not provide further details for the implementation of the essential requirements? Article 1 states that ARCEP shall specify the rules and procedures for implementing the requirements “in particular by laying down interoperability and portability specifications aimed at facilitating, where possible, the interoperability of cloud computing services covering the same type of service and improving the portability of assets between different cloud computing services” whereas the Regulation clearly differentiates “between, on the one hand, services corresponding to scalable and variable computing resources limited to infrastructure elements such as servers, networks and virtual resources necessary to operate the infrastructure, without providing access to operating services, software and applications that are stored, processed or deployed on those infrastructure elements, and, on the other hand, other cloud computing services.”
5. Could you provide clarifications regarding the scope and nature of the rules and procedures referenced in the first subparagraph of Article 1 of this Decree, which are to be established by ARCEP? Does the date of 12 September 2025 correspond to the intended public announcement of these rules and procedures, aligning with the date of entry into force of the Data Act?
6. With reference to Article 2 of this Decree, could you provide clarifications regarding the technical reference offer for interoperability and its implications for providers? Specifically, where is this information required to be published, and with what frequency? Does this obligation extend to the exceptions provided for in Article 29 (IV) of the SREN? Furthermore, will it be mandatory for providers to disclose this information to prospective or actual customers in a visible and transparent manner? Additionally, shall this information be provided for distinct categories of commercially available services, as outlined in the CSP’s catalogue, depending on the complexity of the procedures involved?
7. Article 29(I) of the SREN specifies that ARCEP shall ensure these specifications are properly linked with those laid down by the competent authorities of the other Member States of the European Union or included in the European codes of



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conduct for cloud computing services. Could you please clarify why this provision was omitted from the Decree?

8. The French authorities are kindly requested to indicate whether the notified draft would apply or is intended to apply to gatekeepers designated pursuant to Regulation (EU) 2022/1925. In the affirmative, the French authorities are invited to clarify, in their view, the interplay, of the notified draft with Regulation (EU) 2022/1925, namely its Articles 5, 6 and 7.

The French authorities are kindly invited to reply by 5 February 2025.

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