

As required under the SREN Law, the Autorité de la concurrence has submitted to the French parliament and government a report on its work in the area of self-preferencing

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Background

Following the publication of [Opinion 23-A-08 of 29 June 2023 on competition in the cloud sector](#), the enactment on 22 May 2024 of the French law to secure and regulate the digital space (SREN), on which the French Minister Delegate for Digital Transition and Telecommunications requested an [opinion](#) from the *Autorité*, and the [public consultation launched on 4 June 2025](#), the *Autorité de la concurrence* has submitted to the French parliament and government, in accordance with Article 26 of the SREN Law, a report on its work in the area of self-preferencing.

After recalling that self-preferencing practices as defined in Article L. 442-12 of the French Commercial Code (*Code de commerce*) are not prohibited as such and must have an anticompetitive object or effect in order to be examined by the *Autorité*, the *Autorité* notes that it has not received any reports from the French Minister for Digital Affairs or any other legal entity concerned on conduct falling within the scope of the said article.

However, the *Autorité* remains particularly vigilant and actively engaged on this crucial issue.

At the European level, the work of the *Autorité* aligns closely with that of other competition authorities, with which the *Autorité* collaborates through the European Competition Network (ECN). Following the publication of its opinion on the competitive functioning of the generative artificial intelligence (AI) sector, the

Autorité encouraged the European Commission to pay particular attention to the development of services giving access to generative AI models within cloud environments and to assess whether providers of such services could be designated as gatekeepers for those services under the Digital Markets Act (DMA). On 18 November 2025, the Commission announced that it had opened market investigations on cloud computing services under the DMA.

At the French level, the *Autorité* launched a public consultation in 2025 to gather information on potential behaviour by companies that could constitute anticompetitive self-preferencing practices. It will analyse any leads arising from the contributions received as part of the consultation and, where applicable, exercise its powers by using the tools available under Title II, Book IV of the French Commercial Code.

Lastly, the *Autorité* considers itself to be fully equipped to address any concerns raised in the sector, both by conducting sector inquiries and by using the traditional tools of competition law, and regards the procedural and legislative framework established by the French Commercial Code and the SREN Law to be sufficient to examine self-preferencing practices in the cloud sector.

Self-preferencing

French law 2024-449 of 21 May 2024 to secure and regulate the digital space (hereinafter the “SREN Law”) aims in particular to lift commercial and technical barriers to data portability and the interoperability of services between cloud service providers. Under Article 26, II of the SREN Law, *“within 18 months of the enactment of the law, the Autorité de la concurrence shall submit to the Parliament and Government a report on its work in the area of self-preferencing and any procedural or legislative improvements”*.

Article 26, I of the SREN Law, codified in Article L. 442-12 of the French Commercial Code, defines self-preferencing as: *“the act, by a cloud service provider that also supplies software, of providing software to a customer through the services of a third-party cloud service provider under pricing and functional*

conditions that differ significantly from those under which the provider supplies the same software through its own cloud service, when such differences in pricing and functionality are not justified".

The *Autorité* emphasises that self-preferencing practices as defined in Article L. 442-12 of the French Commercial Code do not constitute a new, autonomous category of conduct that can be sanctioned under competition law.

Consequently, conduct falling within the scope of Article L. 442-12 cannot be considered anticompetitive unless it has an anticompetitive object or effect.

Lastly, *Autorité* notes that, since the entry into force of the SREN Law and until the date of the report, it has not received any reports from the French Minister for Digital Affairs or any other legal entity concerned on conduct falling within the scope of Article L. 442-12, I, 4° of the French Commercial Code.

Close alignment between the work of the *Autorité* and other competition authorities

In antitrust enforcement, the work of the *Autorité* aligns closely with that of other competition authorities, with which the *Autorité* collaborates through the European Competition Network (ECN).

Given the geographic scope of the markets concerned by practices in the cloud sector, the European Commission frequently receives complaints filed by undertakings operating in one or more EU Member States. Some of these proceedings have resulted in settlements. Others have been initiated more recently, as illustrated by the action brought by Google against Microsoft on 25 September 2024.

In parallel, the work undertaken by the *Autorité* – both in Opinion 23-A-08 of 29 June 2023 on competition in the cloud sector and Opinion 24-A-05 of 28 June 2024 on the competitive functioning of the generative AI sector – helps to shed light on and analyse these markets.

Following the publication of its opinion on generative AI, the *Autorité* encouraged the Commission to pay particular attention to the development of services giving access to generative AI models within cloud environments (Model-as-a-Service or MaaS) and to assess whether providers of such services could be designated as gatekeepers for those services under the Digital Markets Act (DMA). In addition, the Commission announced on 18 November 2025 that it had opened market investigations on cloud computing services under the DMA.

The *Autorité* will consider whether to open investigations in the cloud sector, following its 2025 consultation

In June 2025, the *Autorité* launched a public consultation to gather feedback from stakeholders on any self-preferencing practices they may have observed in the sector. The consultation received contributions from around ten stakeholders, including business associations and European and US companies active in the French market. The respondents brought to the attention of the *Autorité* several practices they consider likely to constitute anticompetitive behaviour:

- certain major cloud service providers, which are also software publishers, offering services or software under pricing and functional conditions that are significantly less favourable when distributed through third-party cloud service providers;
- third-party software publishers giving preference to the cloud infrastructure of hyperscalers with which they have established partnerships;
- certain AI tools only being accessible on hyperscalers' cloud environments;
- certain practices requiring the use of hyperscalers' infrastructure as a condition for access to their marketplace.

Lastly, the public consultation highlighted the potential existence of other practices, such as the strategic bundling of new, unrelated products in existing

software suites.

The *Autorité* will analyse any leads arising from the contributions received as part of the public consultation and, where applicable, exercise its powers under Article L. 442-12 of the French Commercial Code. The *Autorité* considers that competition tools have an essential role to play in preventing the emergence or consolidation of dominant positions or anticompetitive practices that could undermine the competitive dynamics of the sector and regards the procedural and legislative framework established by the French Commercial Code and the SREN Law to be sufficient to investigate self-preferencing in the cloud sector.

Report by the Autorité de la concurrence on self-preferencing as defined in Article L. 442-12 of the French Commercial Code (in French)

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