The Autorité issues an opinion on certain provisions of the draft law to secure and regulate the digital space

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Referred to by the French Deputy Minister in charge of the digital transition and telecommunications, the *Autorité* has issued an opinion on three articles of the draft law to secure and regulate the digital space. The *Autorité* shares the concerns expressed in the draft law regarding certain market practices or failures in the cloud computing sector that may warrant regulatory intervention. The *Autorité* nevertheless emphasises that, given the European regulatory context in which the draft law is being introduced, it is important to ensure that the planned measures are properly coordinated with the future European framework, so as not to penalise the stakeholders operating in the French market.

The *Autorité* has therefore issued five recommendations, aimed in substance at:

- drawing the attention of the legislator to the need for consistency between the transitional regime provided for in the draft law and the provisions of the future Data Act
- clarifying the definitions of "cloud computing service" and "cloud computing asset"
- clarifying the conditions for the duration and renewal of cloud computing assets
- clarifying the data transfer fees
- ensuring that the measures related to interoperability and portability are properly coordinated with the future Data Act

Lastly, the *Autorité de la concurrence* started proceedings *ex officio* on 27 January 2022 to issue an opinion to analyse competition conditions in the cloud computing sector. This starting of proceedings *ex officio* was followed by a

public consultation and will result in the publication of an opinion from the *Autorité* in the coming weeks. This opinion is intended to analyse some of the practices concerned by the draft law, from among a set of practices that may, alone or together, raise competitive risks.

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