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BEREC response to the public consultation on the draft Digital Omnibus

10 March 2026

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Executive Summary

BEREC welcomes the opportunity to contribute to the European Commission (EC)'s consultation on the Digital Omnibus Regulation proposal[1] aiming, *inter alia*, to amend and streamline the European data regulatory framework. The current BEREC's response[2] specifically focuses on the cloud[3]-related provisions under the Data Act (DA).

Nevertheless**,** BEREC acknowledges the wider scope of the Digital Omnibus and has reflected[4] on the interplay amongst the different EU digital legislations and underlined the importance of those being applied in a coherent and efficient manner avoiding unnecessary red tape for the stakeholders. Along these lines, BEREC has sustained that the institutional set-up should aim at facilitating regulatory enforcement. Regulatory consistency and harmonisation should be promoted and coordination among all public bodies involved must be ensured to safeguard the mentioned coherence, providing clear and consistent guidelines to the users and providers, facilitate compliance and allow the necessary regulatory dialogue to enable competent authorities to adopt a uniform approach fostering legal certainty, regulatory simplification and further efficiency in the implementation of their policies. Against this backdrop, BEREC strongly welcomes the current EC's initiatives, also including the Digital Fitness Check, and looks forward to contributing to it along the process supporting the considerations for in-depth analysis including, inter alia, the coherence between specific legal notions such as definitions[5] or governance matters.

Discussions on the Digital Omnibus will run in parallel to the Digital Networks Act (DNA)[6] legislative procedure, as part of the EU digital package. In this context, particular efforts shall

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[1] Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2016/679, (EU) 2018/1724, (EU) 2018/1725, (EU) 2023/2854 and Directives 2002/58/EC, (EU) 2022/2555 and (EU) 2022/2557 as regards the simplification of the digital legislative framework, and repealing Regulations (EU) 2018/1807, (EU) 2019/1150, (EU) 2022/868, and Directive (EU) 2019/1024 (draft Digital Omnibus), see: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025PC0837

[2] BEREC has also submitted a substantially similar response to the consultation on the Digital Fitness Check. See BoR (26) 23_1, BEREC response to the European Commission's Digital Fitness Check with a focus on cloud-related provisions under the Data Act, 10.03.2026, see: https://www.berec.europa.eu/en/all-documents/berec/opinions/berec-response-to-the-european-commissions-digital-fitness-check-with-a-focus-on-cloud-related-provisions-under-the-data-act

[3] References to "cloud" in this document shall be understood in broad sense taking into account the general use of this term. From a technical perspective, it shall be understood as equivalent to the definition of "data processing services" in the DA. That is, it encompasses not only cloud but other data processing services such as edge of fog computing.

[4] For example, BoR (24)136, BEREC Report on Cloud and Edge Computing Services, 03.10.2024, see: https://www.berec.europa.eu/en/all-documents/berec/reports/berec-report-on-cloud-and-edge-computing-services (pages 66 to 68)

[5] For example, with regard to definitions in the EECC, DMA and DSA, BoR (21) 85, BEREC Report on the interplay between the EECC and the EC's proposal for a Digital Markets Act concerning number-independent interpersonal communication services, 10.06.2021, see: https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-the-interplay-between-the-eecc-and-the-ecs-proposal-for-a-digital-markets-act-concerning-number-independent-interpersonal-communication-services

[6] Proposal for a Regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971,

be made to ensure the consistency of both initiatives. Moreover, the DNA aims to respond to the convergence trends and blurring lines among services in the digital ecosystem by introducing new general objectives, such as investments in all digital infrastructures (including cloud and AI solutions), as well as an ecosystem cooperation mechanism. Subject to the outcome of the legislative procedure, the draft DNA places BEREC in the centre of the internet ecosystem coordination for digital infrastructures and services.

In this response, **BEREC puts forward some concrete proposals on how the DA could be amended to ensure a harmonised implementation of its cloud-related provisions across Europe**. The proposals include developing a common interpretation of the provisions, providing technical advice for the development of standards and the adoption of common specifications, issuing guidelines, assisting the EC in monitoring market dynamics, and more generally in providing a forum for cooperation among competent authorities on a variety of topics concerning the implementation of the regulation.

This is due to several reasons: first of all, according to Article 37(4)(b) DA, independent national competent authorities with experience in electronic communications services are considered to be well-placed to ensure the implementation and enforcement of the provisions concerning switching between data processing services and interoperability (Chapters VI and VIII). These authorities are typically BEREC members: the majority of them have either already been designated as the national competent authority, or are likely to be designated soon. Secondly, while the European Data Innovation Board (EDIB) provides a European forum for cooperation and consistent practices of some chapters of the DA, its mandate does not cover cloud-related provisions. Therefore, **no European coordination body is currently ensuring a harmonised implementation of such provisions** of the DA, and recent legislative proposals, such as the draft Digital Omnibus and the draft Digital Networks Act, do not fill this gap.

A cooperation forum at the European level is thus strongly needed, since the DA is a novel regulatory instrument, which horizontally targets a variety of different stakeholders, including both hyperscalers and small national cloud service providers, and includes provisions and targets services which are mostly being regulated for the first time by national authorities.

BEREC is particularly well-positioned to take over this role. Indeed, some BEREC members have **already carried out detailed work** concerning competitive or technical aspects of the DA cloud-related provisions and the results and analysis are regularly shared and discussed within BEREC. **BEREC has also been meeting with relevant stakeholders** to gather their inputs and develop a common understanding on the obligations, definitions, legal and technical questions arising from the DA. Moreover, **BEREC has extensive expertise in providing a cooperation forum** to ensure a consistent implementation of the

Directive (EU) 2018/1972 and Decision No 243/2012/EU (draft Digital Networks Act), see: https://digital-strategy.ec.europa.eu/en/library/proposal-regulation-digital-networks-act-dna

EU regulatory framework for electronic communications, **as well as in issuing guidelines, reports, best practices, common positions and opinions to the EC** also covering other layers of the digital ecosystem. Finally, **BEREC could contribute to a more streamlined and efficient interplay between the DA and other EU digital regulatory frameworks**, such as the Digital Markets Act (which also targets cloud computing services) and the draft DNA (which recognises the link between electronic communications networks and services and cloud services, and further reinforces BEREC's mandate to issue guidelines, best practices and to facilitate cooperation among market players in the broader connectivity ecosystem).

Finally, if BEREC was designated as the body responsible for the DA cloud-related provisions, an appropriate cooperation mechanism with the EDIB will have to be set up to ensure a coherent implementation of the whole regulation.

1. Governance systems for implementing and supervising cloud-related provisions under the Data Act

1.1. Identified current gaps in ensuring a consistent implementation

The current DA governance framework, specifically articulated through Article 42, gives the EDIB, created under the Data Governance Act[7], a central role for achieving a harmonised data economy across the Union. However, Article 42(a) DA explicitly limits EDIB's role to advising the EC on *"consistent practice of competent authorities"* to Chapters II, III, V and VII. Similarly, Article 42(b) DA, which governs cooperation and the exchange of information between competent authorities, is primarily focusing on Chapters II, III and V.

The draft Digital Omnibus amends Article 42 DA by further emphasising EDIB's role as a forum for strategic discussion, to the detriment of the more technical and specific advisory tasks it had previously been assigned. Furthermore, it also withdraws EDIB's tasks to advise on harmonised standards, implementing acts and delegated acts concerning, for instance, the monitoring of switching charges. Therefore, EDIB's mandate still does not cover Chapters VI and VIII DA[8].

Member States must designate competent authorities with specific experience in data and electronic communications services to enforce cloud switching and interoperability (Article 37(4)(b) DA), but these authorities are not formally bridged by the EDIB (or any other European cooperation body) to coordinate on a consistent enforcement. For example, in

[7] Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act), see: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R0868

[8] New Article 42(1)(b) DA under the draft Digital Omnibus only mentions the role of "advising and assisting the European Commission with regard to developing consistent practice of competent authorities in the enforcement of Chapters II, III, V, VII, VIIa and VIIc".

cross-border cloud switching cases, authorities must rely on the broader, less specialised mechanisms the DA is foreseeing, like the general duty to cooperate under Article 37(5) DA. Therefore, competent authorities from the different Member States do not have a European forum to evaluate and coordinate their actions or agree on common approaches in their enforcement. Additionally, the interpretation and implementation of the DA cloud-related provisions in a consistent manner across EU in terms of definitions and concepts is limited in the absence of such forum and in the absence of guidance documents published by the EC in a similar way as for Chapters II and III of the DA.

None of the current regulations or legislative proposals are filling this gap.

Indeed, **neither the current DA governance framework, nor the draft Digital Omnibus and the draft DNA provide for a European coordination body to ensure the consistent enforcement of cloud-related provisions under the DA**. As a consequence, a gap remains in ensuring the development of consistent enforcement practices among competent authorities and a harmonised implementation of Chapters VI and VIII DA at the European level.

A cooperation forum at the European level is thus strongly needed, since the DA is a novel regulatory instrument, which horizontally targets a variety of different stakeholders, including both hyperscalers and small national cloud service providers. It includes provisions and targets services which are mostly being regulated for the first time by national authorities.

The section below puts forward some **concrete proposals on how the DA could be amended to ensure a harmonised implementation of its cloud-related provisions across Europe**.

1.2. BEREC's proposals to ensure a consistent implementation of cloud-related provisions across Europe

Building on the gaps previously identified, the following section sets out proposed amendments to the DA with a view to supporting a consistent and effective implementation of its cloud-related provisions across Europe.

Even where non-binding, guidance and other measures developed in this framework would nevertheless make a significant contribution to an effective and coherent implementation of the DA, drawing in particular on the technical expertise and the experience of BEREC, and its members, in cooperation, data collection and the harmonisation of indicators across Europe.

Moreover, some BEREC members have already carried out detailed work on the markets for cloud services, on the competitive issues related to switching charges and on the costs incurred by providers for the switching process, as well as on the technical specifications for

interoperability and portability[9]. All this work is being regularly shared and discussed among BEREC members, and BEREC is thus *de facto* already contributing to a consistent implementation of the DA.

1.2.1. Chapter VI DA – Switching between data processing services

The DA includes measures to increase fairness and competition in the European cloud markets. In particular, Chapter VI on switching between data processing services introduces minimum requirements that providers of cloud and edge computing services must meet to facilitate interoperability and enable switching.

One of the key provisions introduced by the DA relates to the gradual withdrawal of cloud switching charges. Article 29(1) DA states that from 12 January 2027, providers of data processing services shall not impose any switching charges on the customer for the switching process. Article 29(2) & 29(3) DA add that, from 12 January 2024 to 12 January 2027, providers of data processing services may impose reduced switching charges on the customer for the switching process, but that these charges shall not exceed the costs incurred by the provider that are directly linked to the switching process concerned.

It is also worth noting that this gradual withdrawal of switching charges is not affected by the new exemptions introduced in Article 31 DA by the draft Digital Omnibus for custom-made data processing services and for data processing services provided by SMEs and SMCs under contracts concluded before 12 September 2025. That Article explicitly states that any contractual provision contrary to Article 29(1), (2) or (3) DA shall be considered null and void.

Recital (89) DA specifies that the customer is allowed to request the provision of additional services that go beyond the provider's switching obligations under DA. Those additional services can be performed and charged for by the provider when they are performed at the customer's request and the customer agrees to the price of those services in advance.

Moreover, according to article 29(7) DA, the EC is empowered to adopt delegated acts to supplement this regulation by establishing a monitoring mechanism for switching charges imposed by providers of data processing services on the market, in order to ensure that the

[9] ACM, "Market Study Cloud services" (2022), Case no. ACM/21/050317/ Document no. ACM/INT/440323, see : https://www.acm.nl/system/files/documents/public-market-study-cloud-services.pdf; Arcep, "Recommandation de l'Autorité de régulation des communications électroniques, des postes et de la distribution de la presse en date du 25 septembre 2025 relative à l'interopérabilité et à la portabilité des services d'informatique en nuage" (2025), see: https://www.arcep.fr/uploads/tx_gspublication/recommandation-interoperabilite-portabilite-cloud_sept2025.pdf (in French); Arcep, "Décision n° 2025-0340 adoptant une proposition de montant maximal de tarification pour les frais de transfert de données dans le cadre d'un changement de fournisseur de services d'informatique en nuage conformément à l'article 27 de la loi n° 2024-449 du 21 mai 2024" (2025), see: https://www.arcep.fr/uploads/tx_gsavis/25-0340.pdf (in French); Arcep, "Régulation des services d'informatique en nuage (cloud) : Faciliter le changement de fournisseurs de services cloud et la mise en œuvre d'architectures multi-cloud grâce à un nouvel encadrement tarifaire et technique" (2024), see: https://www.arcep.fr/uploads/tx_gspublication/consultation-cloud-changement-fournisseur-services-architectures-tarifs-oct2024.pdf (in French).

withdrawal and reduction of switching charges are to be attained in accordance with the deadlines laid down in Article 29 DA.

Finally, technical input on interoperability and openness would also be key. Article 30 DA requires that cloud services providers (other than IaaS[10] services) comply with standards adopted in accordance with Article 35 for specific service types. In the absence of such standards, providers should allow customers to export their data in a "*structured, commonly used and machine-readable format*". Additional information regarding identified service types, even in the absence of standards, and their associated export formats, could prove beneficial to both customers, who will be able to plan their potential exit, and providers, who will benefit from additional clarity. Providers should also make open interfaces (such as APIs) available to their customers and other providers, with "*sufficient information*" for the purposes of switching and multi-cloud. Guidance on what constitutes "*sufficient information*" could prove helpful to improve portability and exportability of data, and facilitate the development of such interfaces.

Against this background, BEREC could be given a formal mandate to:

- Develop a common interpretation of (i) the services for which the cloud switching process should not be charged from 12 January 2027, and of (ii) the additional services that can be charged for by the provider in line with Recital (89) DA;
- Assist the EC in monitoring the reduction and withdrawal of cloud switching charges;
- Be consulted by the EC before they adopt a delegated act to establish a monitoring mechanism;
- Provide technical advice for the development of standards and the adoption of common specifications under Articles 30 and 35. In particular, BEREC could provide guidance on the "*sufficient information*" that should accompany interfaces to allow portability and interoperability (Article 30(2) DA). In the absence of specifications and standards, BEREC could also assist the EC in determining relevant "*structured, commonly used and machine-readable formats"* for identified service types (Article 30(5) DA).

Article 29(7) DA should be amended to require the EC to consult BEREC prior to the adoption of delegated acts concerning cloud-related provisions, in particular where such acts relate to or affect the implementation of Chapter VI. Article 29(7) DA should then be amended as follows: "*The Commission is empowered to adopt delegated acts in accordance with Article 45 to supplement this Regulation by establishing a monitoring mechanism for the Commission to monitor switching charges, imposed by providers of data processing services on the market to ensure that the withdrawal and reduction of switching charges, pursuant to paragraphs 1 and 2 of this Article are to be attained in accordance with the deadlines laid down in those*

[10] Infrastructure-as-a-Service.

paragraphs. *The Commission shall take into account the advice of BEREC before adopting these delegated acts."*

1.2.2. Chapter VIII DA – Interoperability

Chapter VIII of the DA introduces some provisions on interoperability of data processing services.

In particular, Article 34 DA addresses the matter of interoperability for the purposes of in-parallel use of data processing services. Article 34(2) DA states that when a data processing service is being used in parallel with another data processing service, the providers of data processing services may impose data egress charges, but only for the purpose of passing on egress costs incurred, without exceeding such costs. A common interpretation across Europe of which data egress charges may be imposed for in-parallel use is key.

Moreover, Article 35 DA empowers the EC to request European standardisation organisations to draft harmonised standards or adopt common specifications for cloud services. For the latter, the EC should "*take into account the views of the relevant competent authorities*" (Article 35(6) DA). The draft Digital Omnibus proposal changes EDIB's role towards a forum for strategic discussions, and removes its mandate to provide technical input to the EC. A European coordination body should therefore be identified for cooperation among competent authorities.

Against this background, BEREC could be given a formal mandate to:

- Foster a harmonised implementation of Article 34 DA. BEREC could publish guidelines on data egress charges that the providers may impose for in-parallel use and how these charges would not exceed the egress costs incurred for the providers;
- Serve as a forum for discussion and cooperation among national competent authorities on potential specifications under Article 35 DA. Beyond the essential requirements laid down in paragraphs 1 and 2 of Article 35 DA, BEREC's inputs could also focus on the degree of openness and accessibility of specifications, ease of implementation for different categories of providers, and analysis of potential risks of lock-in. Further, several BEREC members have experience in collaborating with standardisation organisations in the electronic communications sector. BEREC could, therefore, should the need arise, provide useful input for the development of standardisation requests for cloud services (Article 35(4) DA).

1.2.3. Chapter IX DA – Implementation and enforcement

In order to ensure this mandate, the following amendments to the DA, *inter alia*, should be included under the Digital Omnibus:

- Article 37(5)(f) DA should be amended as follows: "*cooperating with competent authorities of other Member States and, where relevant, with the Commission, ~~or~~ the EDIB, or BEREC, to ensure the consistent and efficient application of this Regulation, including the exchange of all relevant information by electronic means, without undue delay, including regarding paragraph 10 of this Article"*;

- A new paragraph should be added under Article 37 DA. New Article 37(17) DA would read as follows: "*BEREC shall facilitate regular exchanges among national competent authorities responsible for the application and enforcement of Articles 23 to 31 and Articles 34 and 35 of this Regulation and shall collect and disseminate, among those national competent authorities, best practices for the application and enforcement of those articles*."

Moreover, an appropriate cooperation mechanism between BEREC and EDIB will have to be set up to ensure a coherent implementation of the DA.

1.3. Expected benefits of BEREC's proposals

BEREC believes that the addressees of the DA would greatly benefit from a consistent and harmonised implementation of its cloud-related obligations and correlative rights across Europe.

Providing BEREC with a formal mandate to ensure this supranational cooperation among competent authorities will allow, among others, to:

- Avoid the fragmented implementation of a novel European regulatory framework targeting cloud services which are mostly being regulated for the first time – by building on existing know-how and regulatory practices, which relate to the tasks of competent authorities of the DA (e.g. cost calculation, contract information and interoperability obligations, stakeholder dialogue);

- Support national authorities, in particular those with more limited resources, in the implementation of the DA by, *inter alia*, polling expertise and resources across the EU by sharing information or developing best practices;

- Ensure an early identification of emerging cloud market practices and underpinning data-driven regulation. Many players concerned by the DA are small and with a national footprint: BEREC could help to develop systematic and targeted data collection by means of objective, structured and easily comparable data. This could include reporting on the general evolution of the market and services in the EU (e.g. developing common indicators, regular market evolution reports or data centre mapping. This last one would align with the draft DNA proposals in terms of digital infrastructure preparedness tasks to be allocated to BEREC). Such information-gathering could focus on e.g. new forms of switching-related charges or cost

structures, technical practices affecting practical interoperability or portability, evolving pricing models for data egress or in-parallel use. In this way, the effects of an intervention can be measured and adapted when necessary;

- Ensure regulatory convergence through non-binding tools, by means of e.g. short interpretative notes, technical FAQs, illustrative examples of good practices observed across Member States, concerning for instance technically complex concepts (e.g. cost attribution, functional equivalence, scope of switching processes), while preserving national discretion and enforcement autonomy;

- Contribute to a more streamlined and efficient interplay between the DA and other EU digital regulatory frameworks, thus supporting regulatory simplification and consistency. For instance,

    - **DA and DNA** – The draft DNA recognises the link between electronic communications networks and services, which are regulated by BEREC members, and cloud services. As part of its general objectives, the draft regulation should "*reinforce the competitiveness of the connectivity sector and industry at-large by facilitating investments in advanced digital infrastructures, including cloud (…) and by facilitating cooperation among players in the broader digital ecosystem*"[11]. The draft DNA thus mandates BEREC to produce guidelines covering both actors highlighting that "*technology and market developments in electronic communications networks and services and cloud and AI based networks and services are leading to increased interaction, cooperation and commercial agreements among a broad range of undertakings (…). In light of those developments BEREC should assist undertakings through guidelines, covering, inter alia, best practices for facilitating cooperation among market players in the broader connectivity ecosystem*"[12], "*in addition, the guidelines may provide good practices for neutral host and multi-cloud deployment in electronic communications networks*"[13]. Moreover, the draft DNA confirms some typical tasks of BEREC such as issuing opinions, guidelines and reports, recommendations and common positions and the dissemination of best practices for national authorities in order to ensure "*the consistent and correct implementation of the regulatory framework*"[14]. BEREC could ensure the correct interplay between the DNA and the DA cloud-related provisions;

    - **DA and Digital Markets Act (DMA)** – BEREC is member of the Digital Markets Act High-Level Group (DMA HLG) whose role is, among others, the promotion of a consistent regulatory approach across different regulatory instruments. In November 2025, the EC launched three market investigations on cloud

[11] Article 3(1)(a), Ibid 6
[12] Recital (402), Ibid 6
[13] Recital (404), Ibid 6
[14] Article 122(1)(b), Ibid 6

computing services under the DMA[15]. If BEREC was tasked with the harmonised enforcement of the DA cloud-related provision, BEREC could contribute – within the DMA HLG – to an effective interplay between the DA and the DMA;

- Moreover, an appropriate interplay will also have to be ensured between the DA and the upcoming proposal for a Cloud and AI Development Act (CADA), expected for Q1 2026. This regulation aims to advance sustainable AI data processing (with data centre efficiency in power or cooling), triple EU data centre capacity (via investment incentives, fast permitting, energy/land/water access and funding) and secure EU-based cloud for critical use cases. Additionally, a single EU-wide cloud policy for public administrations and public procurement should be established[16]. Data collected, e.g. from cloud providers, on the basis of the CADA should be aligned and harmonised, whenever possible, with data collected on other legal bases;

- Serve as a contact point for stakeholders at the European level (e.g. providers, customers of cloud services, civil society), as well as for other European regulatory bodies when it comes to cross-regulatory issues;

- Gather feedback from public sector cloud users: given the significant role of public administrations as users of cloud services, BEREC could facilitate the structured sharing of experiences from public sector procurement and use of cloud services, particularly in relation to multi-cloud strategies, switching and exit processes, interoperability challenges in practice. Such feedback could inform EU-level policy development and contribute to evidence-based adjustments over time;

- Contribute, at an aggregated and high-level, to the analytical work on structural dependencies in cloud markets, such as concentration trends or interdependencies between networks, data centres and cloud services. This activity would be strictly distinct from cybersecurity risk assessments and would not overlap with responsibilities under the NIS2 Directive;

- Avoid duplication of (public) resources across Europe, thanks to a shared work of common interpretation and implementation of the DA.

[15] The EC's market investigations on cloud computing services under the DMA, see : https://digital-markets-act.ec.europa.eu/commission-launches-market-investigations-cloud-computing-services-under-digital-markets-act-2025-11-18_en

[16] Cloud and AI development act, see: https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779251/EPRS_BRI(2025)779251_EN.pdf

2. BEREC's expertise as a European body for a harmonised implementation of a sectoral regulatory framework

BEREC promotes a consistent implementation of the EU regulatory framework for electronic communications. It assists NRAs and the EC in its implementation, complementing national tasks at the European level and supports internal market consistency.

BEREC has extensive expertise in issuing guidelines, common positions, reports, as well as opinions to the EC. Some recent examples include BEREC guidelines on Very High Capacity Networks[17], BEREC common position on infrastructure sharing[18] and BEREC opinions on Meta's reference offers for NI-ICS interoperability under the Article 7 DMA[19,20].

Furthermore, BEREC is a forum for cooperation to discuss regulatory matters, share best practices, and harmonise approaches. This includes mapping and harmonisation of indicators and data collected by national regulatory authorities, to allow for and facilitate a regular and effective monitoring of the evolution of the market dynamics, cross-country comparisons and the regulated providers' practices at the national level (e.g. BEREC Report on harmonised definitions for indicators regarding over-the-top services, relevant to electronic communications markets[21] or the BEREC Report on Sustainability Indicators for ECN/S[22]). Data can help in an evidence-based assessment of the impact of remedies and measures, and identify needs of their adjustment.

More specifically in the context of the DA, BEREC has provided its expertise by producing a variety of deliverables such as: a statement on the draft Data Act[23], a High-Level Opinion on

[17] BoR (25) 182, BEREC Guidelines on Very High Capacity Networks, 04.12.2025, see: https://www.berec.europa.eu/en/all-documents/berec/regulatory-best-practices/guidelines/berec-guidelines-on-very-high-capacity-networks

[18] BoR (19) 110, BEREC Common position on infrastructure sharing, 13.06.2019, see: https://www.berec.europa.eu/en/document-categories/berec/regulatory-best-practices/common-approachespositions/berec-common-position-on-infrastructure-sharing

[19] BoR (25) 21, BEREC Opinion on Meta's reference offers to facilitate Messenger and WhatsApp interoperability under Article 7 of the Digital Markets Act, 03.03.2025, see: https://www.berec.europa.eu/en/all-documents/berec/opinions/berec-opinion-on-metas-reference-offers-to-facilitate-messenger-and-whatsapp-interoperability-under-article-7-of-the-digital-markets-act

[20] BEREC also actively contributes to the implementation of the DMA – including as a member of the DMA High-Level Group and of its subgroups – and this regulation also includes provisions concerning data access, vertical and horizontal interoperability. Some obligations under the DMA can also apply to cloud services.

[21] BoR (21) 127, BEREC Report on harmonised definitions for indicators regarding over-the-top services, relevant to electronic communications markets, 30.09.2021, see https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-harmonised-definitions-for-indicators-regarding-over-the-top-services-relevant-to-electronic-communications-markets

[22] BoR (23) 166, BEREC Report on Sustainability Indicators for Electronic Communications Networks and Services, 05.10.2023, see: https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-sustainability-indicators-for-electronic-communications-networks-and-services

[23] BoR (22) 54, BEREC's statement on the draft Data Act, 12.05.2022, see: https://www.berec.europa.eu/en/document-categories/berec/others/berecs-statement-on-the-draft-data-act

the ECs proposal for a Data Act[24] (highlighting that cooperation between national competent authorities will be key for successful implementation of the text and also recommended the establishment of permanent cross-border cooperation mechanisms), a workshop on switching and interoperability of data processing services[25], a workshops on IoT[26], a report on cloud services and edge computing[27], and an external study on the trends and policy/regulatory challenges of cloudification, virtualisation and softwarisation in telecommunications[28] and another external study on data centres[29]. Currently, BEREC is organising exchanges with stakeholders, with customers and with providers of data processing services as well as sectoral representative organisations, in order to develop a common understanding on the obligations, definitions, legal, organisational and technical questions arising from the DA.

In the DA, independent national competent authorities with experience in electronic communications services are considered to be well-placed to ensure the implementation and enforcement of specific provisions, and BEREC appears to be an appropriate forum for ensuring a harmonised implementation of the regulation, as well technical advice on data processing services at the European level.

[24] BoR (22) 118, BEREC High-Level Opinion on the ECs proposal for a Data Act, 15.07.2022, see: https://www.berec.europa.eu/en/document-categories/berec/opinions/berec-high-level-opinion-on-the-ecs-proposal-for-a-data-act

[25] BoR (23) 117, BEREC Report on the Data Act Workshop (Workshop on Switching and Interoperability of Data Processing Services, 08.06.2023, see: https://www.berec.europa.eu/en/document-categories/berec/reports/berec-report-on-the-data-act-workshop-workshop-on-switching-and-interoperability-of-data-processing-services

[26] BoR (17) 40, Summary report on the outcomes of the workshop on IoT technologies and their impact on regulation, 24.02.2017, see: https://www.berec.europa.eu/en/document-categories/berec/reports/summary-report-on-the-outcomes-of-the-workshop-on-iot-technologies-and-their-impact-on-regulation

BoR (24) 37, BEREC Summary Report of the Workshop on Internet Of Things: Perspectives and Competition, 07.03.2024, see: https://www.berec.europa.eu/en/document-categories/berec/reports/berec-summary-report-of-the-workshop-on-internet-of-things-perspectives-and-competition

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