

In what capacity or on whose behalf are you participating in this public consultation?	Academia and industry experts
In case of representing a company, please specify the type of company:	
Full name (of the participant or represented institution):	Centre for Competition Policy
Do you wish to make your name publicly available with your answer or keep it confidential (in which case it will be published as an anonymous answer)?	Public
Contact email (will remain confidential)	[CONFIDENCIAL]
1. In your opinion, what will be the main factors that will drive the growth of the sector in the coming years? (max. 300 words).	
2. How would you classify the different types of agents/operators involved in the cloud market value chain? (max. 300 words).	

3. Would you highlight any particular feature of the cloud market in Spain as compared to other European countries? How do you assess the overall competitive situation of the cloud market in Spain? Are there any particularly significant trends? (max. 300 words).

4. In your opinion, what are the main elements that determine the dynamics of competition among cloud service providers? In your opinion, which other markets can affect the competitive dynamics in the provision of cloud services? (max. 300 words).

5. In your opinion, when contracting cloud services from an operator, how do the main providers' offers differ from each other? (max. 300 words).

6. When contracting cloud services from an operator, describe in order of importance the factors that, in your opinion, are the main determinants of the contracting decision, such as, among others, price, technical quality of the service, the provider's portfolio of services, security, transparency of the contract, nationality of the provider, previous relationship with the same provider, previous knowledge by the staff, etc. (max. 300 words).

7. When contracting cloud services from an operator, assess the extent to which contract terms and conditions are negotiable (max. 300 words).

8. Indicate what difficulties may arise, at the time of contracting a provider's cloud services, to anticipate the final cost of use of the contracted service (max. 300 words).

<p>9. Assess the transparency of contract terms and conditions and indicate whether changes in contract terms and conditions are common (max. 300 words).</p>	
<p>10. In migrating to the cloud, explain the role of the integrator or intermediary, and its relevance to the competitive dynamics of the market (max. 300 words).</p>	
<p>11. For software development companies offering independent cloud-based software applications, consider which are the main channels to reach the end customer and the factors on which the choice of the chosen channel(s) depends. When offering independent cloud-based software applications, consider whether it is possible to do so in more than one marketplace from a vertically integrated provider (max. 300 words).</p>	
<p>12. Assess the conditions required to intermediaries to be able to sell the products of one or more cloud service providers, and whether in your opinion they affect the competitiveness of the final solution offered by the intermediary in relation to other sales channels (max. 300 words).</p>	

13. Assess whether there are significant barriers to entry in the cloud services or cloud infrastructure market. If so, indicate and describe what type of barriers (e.g., regulatory, investment size, availability of qualified staff, other) and indicate which services or cloud layer (IaaS, PaaS, SaaS) are affected by each barrier (max. 300 words).

14. In your opinion, assess which cloud layers (IaaS, PaaS, SaaS) present the greatest competitive challenges and explain why (max. 300 words).

15. For companies already present in the cloud market, what are the main obstacles to their activity and to competition in the sector? (max. 300 words).

<p>16. Assess what technical or economic difficulties exist for migrating to the cloud. Indicate, in your opinion, which solutions could be implemented to mitigate them (max. 300 words).</p>	
<p>17. In your opinion, once the services of one cloud provider have been contracted, what technical, economic or other factors might make it difficult to change provider? In your opinion, which solutions might be implemented to mitigate these difficulties? (max. 300 words).</p>	
<p>18. In your opinion, what are the difficulties in contracting the services of more than one cloud provider? In your answer, please assess aspects of vertical interoperability (between services located in different cloud layers), horizontal interoperability (between services located in the same cloud layer) and interoperability of the data produced when using different cloud services. In your opinion, what solutions could be implemented? (max. 300 words).</p>	<p>Prepared by Sean Ennis and Ben Evans, University of East Anglia Please consider this response as public and citable.</p> <p>We wish to respond to this request for comment by referencing our paper on cloud portability and interoperability under the EU Data Act. We believe the facts and arguments within our paper, which have also been cited by France’s Autorité de la Concurrence in its cloud study, have potential value for the study and research that is underway at the CNMC.</p> <p>The reference and link to our paper is as follows: Ennis, Sean F. and Evans, Ben, “Cloud Portability and Interoperability under the EU Data Act: Dynamism versus Equivalence” (March 05, 2024). Available at SSRN: https://ssrn.com/abstract=4395183 or http://dx.doi.org/10.2139/ssrn.4395183.</p>

<p>19. Assess the advantages and disadvantages of adopting interoperability standards or protocols, including their impact on competition and/or innovation (max. 300 words).</p>	
<p>20. When contracting services from the same cloud provider, and from the point of view of its commercial offer, assess what obstacles exist to contracting each service separately (max. 300 words).</p>	
<p>21. When contracting additional services from a cloud provider, assess the relationship between contracting these services and the discounts for the use of additional services (max. 300 words).</p>	
<p>22. Assess the existing obstacles to competition in the public procurement of cloud services, and indicate the solutions that could be implemented in your opinion (max. 300 words).</p>	

23. Provide additional comments on other barriers, distorting factors or issues that you consider relevant to the functioning of this sector (max. 500 words).

24. Assess the current European and national regulatory framework in its ability to promote an efficient and competitive operation of the cloud services market. If so, how could it be improved? (max. 500 words).

25. In your opinion, what other regulations could affect the competitive dynamics of the cloud sector? If so, how could they be improved? (max. 500 words).

26. Provide additional comments on other solutions or recommendations (not necessarily of regulatory nature) to improve the competitive dynamics in the cloud sector (max. 500 words).