



Brussels, 18.11.2025  
C(2025) 7948 final

**COMMISSION DECISION**

**of 18.11.2025**

**opening a market investigation pursuant to Articles 16(1) and 19(1) of Regulation (EU)  
2022/1925 of the European Parliament and of the Council on contestable and fair  
markets in the digital sector**

**Case DMA.100236 - Cloud Article 19**

Only the English text is authentic

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector<sup>1</sup>, and in particular Articles 16(1) and 19(1) thereof,

Whereas:

- (1) Pursuant to Article 19(1) of Regulation (EU) 2022/1925, the Commission may conduct a market investigation for the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services laid down in Article 2, point (2) of that Regulation or for the purpose of detecting practices that limit the contestability of core platform services or that are unfair and which are not effectively addressed by this Regulation. In its assessment, the Commission shall take into account any relevant findings of proceedings under Articles 101 and 102 TFEU concerning digital markets as well as any other relevant developments.
- (2) Pursuant to Article 19(3) of Regulation (EU) 2022/1925, the Commission shall publish its findings in a report, which, where appropriate, shall be accompanied by (a) a legislative proposal to amend the Regulation in order to include additional services in the list of core platform services or to include new obligations or (b) a draft delegated act supplementing the Regulation with regard to the obligations laid down therein.
- (3) Pursuant to Article 12(1) of Regulation (EU) 2022/1925, the Commission is empowered to adopt delegated acts in accordance with Article 49 of Regulation (EU) 2022/1925 to supplement the obligations laid down in Articles 5 and 6 of that Regulation, in accordance with the procedure laid down in Article 19 of the same Regulation. The Commission is empowered to adopt such a delegated act where a market investigation pursuant to Article 19 of Regulation (EU) 2022/1925 has identified the need to keep those obligations up to date in order to address practices that limit the contestability of core platform services or that are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6 of the

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<sup>1</sup> OJ L 265, 12.10.2022, p. 1.

Regulation, provided that the scope of any such delegated act is limited to what is set out in Article 12(2) of the Regulation.

- (4) Pursuant to Article 12(5) of Regulation (EU) 2022/1925, the Commission shall take into account in its assessment the elements listed in that provision to establish whether a practice limits the contestability of core platform services or is unfair.
- (5) Following the two years of experience with the supervision of the implementation of Regulation (EU) 2022/1925 and its enforcement, and in view of feedback from a range of interested third parties (including business users, cloud providers, and national authorities), the Commission has indications of limited contestability and unfairness in relation to cloud computing services. Several recent studies and market analyses have revealed, amongst other issues, the existence of strong customer lock-in, primarily due to significant barriers for cloud customers to use multiple cloud services and to switch between cloud service providers (including interoperability limitations), and reinforced by practices consisting in the tying and bundling of different services within the cloud stack engaged in by cloud service providers and by practices limiting access to and portability of data. Such studies also indicate the existence of other unfair contractual practices, including excessive pricing.<sup>2</sup>
- (6) The Commission takes the view, following an initial examination of the information available to it, that there are grounds to consider that certain practices in cloud computing services may limit the contestability of this core platform service or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6 of Regulation (EU) 2022/1925. Without prejudice to any future findings and by way of non-exhaustive illustration, this could be the case for the practices described in recital (5) above, in particular as regards tying and bundling practices related to cloud computing services, insufficient interoperability between cloud computing services offered across cloud computing layers or in relation to competing cloud computing services offered by third parties, limited or conditional access for business users to data generated in cloud computing services, and excessive fees or other unfair contractual terms. Furthermore, there are indications that these practices, if confirmed, may not be effectively addressed by the existing obligations laid down in Articles 5 and 6 of Regulation (EU) 2022/1925 that are currently applicable to cloud computing services. First, there are no obligations specifically addressed to cloud computing services currently laid down in this Regulation. Second,

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<sup>2</sup> See, among others, the OECD's 2025 Competition in the provision of cloud computing services, OECD Roundtables on Competition Policy Papers, No. 323 ([https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/05/competition-in-the-provision-of-cloud-computing-services\\_f42582ad/595859c5-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/05/competition-in-the-provision-of-cloud-computing-services_f42582ad/595859c5-en.pdf)); the French Autorité de la Concurrence's 2023 Opinion 23-A-08 on competition in the cloud sector ([https://www.autoritedelaconcurrence.fr/sites/default/files/attachments/2023-09/23a08\\_EN.pdf](https://www.autoritedelaconcurrence.fr/sites/default/files/attachments/2023-09/23a08_EN.pdf)); the Dutch ACM's 2022 market study on cloud services (<https://www.acm.nl/system/files/documents/public-market-study-cloud-services.pdf>); the UK CMA's 2025 Final decision report on cloud infrastructure services ([https://assets.publishing.service.gov.uk/media/688b8891fdde2b8f73469544/final\\_decision\\_report.pdf](https://assets.publishing.service.gov.uk/media/688b8891fdde2b8f73469544/final_decision_report.pdf)); the UK Ofcom's 2023 Cloud services market study (<https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-3-4-weeks/244808-cloud-services-market-study/associated-documents/cloud-services-market-study-final-report.pdf?v=330228>); or the Japanese JFTC's 2022 Report on trade practices in the cloud services sector (<https://www.jftc.go.jp/en/pressreleases/yearly-2022/June/221102EN.pdf>). All links last accessed on 16 October 2025.

many general obligations do not apply to cloud computing services or do not address the above-mentioned concerns of limited contestability and unfairness. For example, obligations on interoperability or tying in Articles 6(7), 5(7) and 5(8) of Regulation (EU) 2022/1925 are either limited to core platform services or services other than cloud computing services, or seem unlikely to be able to address the practices identified above. By the same token, the rules on conditions of access to certain services in Article 6(12) of that Regulation also do not apply to cloud computing services.

- (7) For these reasons, the Commission considers that it is necessary to open a market investigation pursuant to Article 19(1) of Regulation (EU) 2022/1925 in order to assess whether practices referred to in recitals (5) and (6) above, among others, are adequately addressed by the current obligations laid down in Articles 5 and 6 of Regulation (EU) 2022/1925, in relation to cloud computing services.

HAS DECIDED AS FOLLOWS:

*Sole article*

The Commission hereby opens a market investigation, pursuant to Articles 16(1) and 19(1) of Regulation (EU) 2022/1925, for the purpose of detecting practices that limit the contestability in cloud computing services, or that are unfair in relation to that core platform service, and which are not effectively addressed by Regulation (EU) 2022/1925.

Done at Brussels, 18.11.2025

*For the Commission*  
*Henna VIRKKUNEN*  
*Executive Vice-President*