

> Retouradres Postbus 20401 2500 EK Den Haag

De Voorzitter van de Eerste Kamer  
der Staten-Generaal  
Kazernestraat 52  
2514 CV DEN HAAG

**Directie Europese en  
Internationale Zaken**

**Bezoekadres**

Bezuidenhoutseweg 73  
2594 AC Den Haag

**Postadres**

Postbus 20401  
2500 EK Den Haag

**Overheidsidentificatienr**

00000001003214369000

T 070 379 8911 (algemeen)

F 070 378 6100 (algemeen)

[www.rijksoverheid.nl/ez](http://www.rijksoverheid.nl/ez)

Datum 6 oktober 2025

Betreft Rapportage ministerie EZ wetgevingsonderhandelingen en  
raadplegingen EU tweede kwartaal 2025

**Ons kenmerk**

DEIZ / 101087879

**Bijlage(n)**

6

Geachte Voorzitter,

In de afspraken met de Kamer over EU-informatievoorziening is afgesproken dat elk ministerie ieder kwartaal de EU-kwartaalrapportage, met daarin de stand van zaken van de onderhandelingen over EU-wetgevingsdossiers en de stand van zaken betreffende EU-raadplegingen naar de Kamer stuurt. Hierbij doe ik dat voor dossiers en raadplegingen op het terrein van het ministerie van Economische Zaken. Het overzicht van het tweede kwartaal van 2025 vindt u in de bijlage. Graag merk ik op dat ik de maand juli bij het tweede kwartaal van 2025 heb gerekend vanwege het zomerreces.

In deze periode is vanuit EZ op de volgende raadplegingen gereageerd:

- Concept Data Unie Strategie
- Concept herziening van de staatssteunregels voor diensten van algemeen economisch belang, in het bijzonder op het gebied van huisvesting
- Concept verordening Cloud en AI ontwikkeling

Vincent Karremans  
Minister van Economische Zaken

**EU-wetgevingsonderhandelingen EZ**  
**Kwartaalrapportage, tweede kwartaal 2025**

Titel	Document nummer	Korte beschrijving	Stand van Zaken
<b>Privacy Verordening, Herziening ePrivacy-richtlijn</b>	COM(2017)10	Herziening van privacyregels voor elektronische communicatiediensten. Doel: hoog niveau van bescherming en gelijk speelveld voor alle aanbieders van communicatiediensten (traditioneel en Over the Top-spelers). O.m. cookiebepaling.	De Commissie heeft dit voorstel ingetrokken
<b>Verordening betreffende Europese statistieken over bevolking en huisvesting</b>	COM(2023)31	Het voorstel betreft een verordening voor een gemeenschappelijk rechtskader voor de ontwikkeling, productie en verspreiding van Europese statistieken over bevolking en huisvesting.	De onderhandelingen in triloog zijn afgerond en er is een politiek akkoord bereikt tussen de Commissie, de Raad en het Europees Parlement. Het voorstel zit in de afrondende procedurele fase.
<b>Herziening voor het gebruik van digitale tools voor handelsregisters</b>	COM(2023)177	Het EU-vennootschapsrecht biedt een rechtskader dat tot doel heeft de rechtseenheid en rechtszekerheid in de interne markt te vergroten. De Europese Commissie wil met het voorstel dit rechtskader uitbreiden en actualiseren, in het bijzonder waar het gaat om de taken en verantwoordelijkheden van de ondernemingenregisters (in Nederland het Handelsregister).	Dit voorstel is gepubliceerd en afgerond.
<b>Verordeningen aanvullende beschermingscertificaten (ABC's)</b>	COM(2023)221, COM(2023)222, COM(2023)223, COM(2023)231	Aanvullende beschermingscertificaten (ABC's) zijn intellectuele eigendomsrechten die de beschermingsduur van octrooien voor geneesmiddelen of gewasbeschermingsmiddelen met maximaal 5 jaar verlengen. Dit pakket beoogt het ABC-systeem van de EU te vereenvoudigen, evenals de transparantie en efficiëntie ervan te verbeteren, door een gecentraliseerde procedure en een unitair ABC voor genees- en gewasbeschermingsmiddelen te creëren.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Verordening inzake standaard essentiële octrooien</b>	COM(2023)232	Met het voorstel roept de Europese Commissie een nieuw kader in het leven inzake de omgang met standaard essentiële octrooien (SEPs). Doel van het voorstel is om te stimuleren dat gestandaardiseerde technologie beter benut wordt en breder	De Commissie heeft dit voorstel ingetrokken.

		beschikbaar komt op eerlijke en non-discriminatoire voorwaarden, met name voor het mkb.	
<b>Verordening dwanglicenties voor crisisbeheersing</b>	COM(2023)224	Het voorstel beoogt de EU in staat te stellen dwanglicenties te verlenen in het kader van de EU-crisisinstrumenten, waarbij de levering en het vrije verkeer op de interne markt gegarandeerd kan worden van producten of processen die onmisbaar zijn voor het reageren op een crisis of noodsituatie, of voor het aanpakken van de gevolgen van een noodsituatie.	De onderhandelingen in triloog zijn afgerond en er is een politiek akkoord bereikt tussen de Commissie, de Raad en het Europees Parlement. Het voorstel zit in de afrondende procedurele fase.
<b>Verordening betreffende arbeidsmarktstatistieken</b>	COM(2023)459	Het voorstel ziet op het verbeteren (in tijdigheid, betrouwbaarheid en vergelijkbaarheid) van de arbeidsmarktstatistieken over ondernemingen. De statistieken betreffen voornamelijk het niveau, de samenstelling en de ontwikkeling van de arbeidskosten, de loonverdeling en -structuur (met inbegrip van de loonkloof tussen mannen en vrouwen) en vacaturestatistieken.	Dit voorstel is gepubliceerd en afgerond.
<b>Verordening inzake bestrijding van late betalingen in handelstransacties</b>	COM(2023)533	De Commissie stelt dat de huidige Richtlijn onvoldoende in staat is om het probleem van late betalingen in de Europese Unie aan te pakken. Het voorstel voor een Verordening pakt deze tekortkomingen aan, met als voornaamste doel de betaaldiscipline van alle betrokken partijen (overheidsinstanties, grote bedrijven en mkb'ers) te verbeteren en bedrijven te beschermen tegen de negatieve effecten van betalingsachterstanden bij commerciële transacties.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Herziening richtlijn pakketreizen</b>	COM(2023)905	De herziening van de Pakketreizenrichtlijn heeft als doel om consumentenbescherming, ook in tijden van crisis, te versterken en de werking van de interne markt in de pakketreissector te verbeteren. Dit sluit aan bij het doel van de huidige richtlijn, die in 2015 is vastgesteld. De Commissie beoogt dit te doen door definities aan te passen, regels toe te voegen over betalingen en vouchers en de regels rondom annuleringen in uitzonderlijke situaties nader uit te leggen.	De Raad heeft een algemene oriëntatie bereikt. Het Europees Parlement heeft nog geen positie ingenomen. Zodra dit wel het geval is, start de triloogfase met onderhandelingen tussen de Commissie, de Raad en het Europees Parlement.
<b>FDI verordening</b>	COM(2024)23	Het Commissievoorstel tot herziening van de huidige verordening ten aanzien van toetsing van buitenlandse directe investeringen ( <i>foreign direct investments</i> , FDI) heeft als doel de verbetering van samenwerking en coördinatie en meer harmonisatie (zowel inhoudelijk als procedureel) tussen lidstaten op het gebied van FDI-screening.	De Raad heeft een algemene oriëntatie bereikt. Het voorstel bevindt zich in de triloogfase met onderhandelingen tussen de Commissie, de Raad en het Europees Parlement.

<b>Herziening verordeningen cohesiebeleid (RESTORE)</b>	COM(2024)496	Het voorstel past twee bestaande verordeningen onder het cohesiebeleid aan: het Europees Fonds voor de Regionale Ontwikkeling (EFRO) en het Europees Sociaal Fonds (ESF+). Dit voorstel beoogt lidstaten te ondersteunen in hun wederopbouwwerkzaamheden na recente natuurrampen.	Dit voorstel is gepubliceerd en afgerond.
<b>Omnibus InvestEU</b>	COM(2025)84	Het voorstel beoogt de efficiëntie van rapportagevereisten voor EU garanties onder het InvestEU programma te vergroten door vereenvoudiging.	De Raad heeft een algemene oriëntatie bereikt. Het voorstel bevindt zich in de triloofase met onderhandelingen tussen de Commissie, de Raad en het Europees Parlement.
<b>Verordening niet-financiële statistieken over zakelijk ontroerend goed</b>	COM(2025)100	Het voorstel betreffende een verordening van het Europees Parlement en de Raad betreffende niet-financiële statistieken over zakelijk onroerend goed.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Mid-term review cohesiebeleid</b>	COM (2025) 163	Het voorstel beoogt de investeringen uit de fondsen onder het cohesiebeleid beter af te stemmen op de nieuwe Europese prioriteiten: concurrentievermogen en decarbonisatie, defensie en veiligheid, betaalbare huisvesting, waterweerbaarheid en energietransitie.	De onderhandelingen in triloog zijn afgerond en er is een politiek akkoord bereikt tussen de Commissie, de Raad en het Europees Parlement. Het voorstel zit in de afrondende procedurele fase.
<b>Herziening EU-verordeningen ter stimulering van defensie gerelateerde investeringen ter uitvoering van het ReArm Europe Plan</b>	COM(2025)188	De Commissie stelt een herziening voor van diverse EU-verordeningen om investeringen in defensiegerelateerde technologieën en producten te stimuleren, als onderdeel van het ReArm Europe Plan. Centraal staat het versterken van de Europese defensie-industrie, het ondersteunen van dual-use innovatie (ook door mkb en startups), en het vergroten van militaire mobiliteit en synergie met andere strategische sectoren. Dit gebeurt onder meer via uitbreiding van het STEP-mandaat, aanpassing van programma's zoals Horizon Europe, EDF, ASAP, DEP en het cohesiebeleid, zonder extra middelen binnen het huidige MFK.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Wijziging van verordeningen om bepaalde steunmaatregelen voor het mkb uit te breiden naar small mid-cap</b>	COM(2025)501, COM(2025)502,	De Europese Commissie heeft op 21 mei 2025 een vierde Omnibuspakket gepresenteerd om regeldruk voor bedrijven te verminderen, met als kern de introductie van een geharmoniseerde definitie voor small mid-cap bedrijven (SMC's), gericht op proportioneelere regelgeving. Deze nieuwe categorie bedrijven krijgt toegang tot versoepelingen die voorheen enkel voor het mkb golden, in wetgeving zoals de AVG, MiFID II en de Prospectusverordening.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.

<b>ondernemingen en aanvullende vereenvoudigingsmaatregelen</b>			
<b>Wijziging van verordeningen voor de digitalisering van productinformatie en gemeenschappelijke specificaties</b>	COM(2025)503, COM(2025)504	Dit voorstel maakt onderdeel uit van het vierde omnibuspakket. Centraal staat het vereenvoudigen van productregels door fabrikanten te verplichten productinformatie, conformiteitsverklaringen en gebruiksinstructies digitaal aan te leveren, en een digitaal contactpunt toe te voegen. Daarnaast introduceert de Commissie een mechanisme om zelf tijdelijke productnormen (gemeenschappelijke specificaties) vast te stellen wanneer Europese normen ontbreken, om productveiligheid en innovatie te bevorderen.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Verordening tot vaststelling van het ruimtevaartprogramma van de Unie, tot oprichting van het Agentschap van de Europese Unie voor het ruimtevaartprogramma en tot wijziging van enkele verordeningen</b>	COM(2025)335	Het voorstel beoogt om tegen 2050 de EU te positioneren als wereldleider in de ruimtevaartsector een geharmoniseerd juridisch kader te creëren voor ruimtevaartactiviteiten binnen de Europese Unie. Concreter omvat het doel de juridische en technische versnippering binnen de interne markt te verminderen en tegelijkertijd de veiligheid, duurzaamheid en weerbaarheid van ruimtevaartactiviteiten te versterken. Het voorstel introduceert daartoe een gemeenschappelijk regelgevend kader op drie hoofdthema's: (1) veiligheid en ruimteverkeersbeheer, (2) cyber- en fysieke weerbaarheid van ruimte-infrastructuur, en (3) milieu-impact en duurzaamheid van ruimteactiviteiten.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Europese Concurrentiekrachtfonds (ECF)</b>	COM(2025)555	Het Europese Concurrentiekrachtfonds (ECF, het Fonds) maakt deel uit van het pakket voor het Meerjarig Financieel Kader (MFK) na 2027. Het heeft als doel om 14 afzonderlijke financieringsinstrumenten uit het huidige MFK te bundelen in één kader dat functioneert als investeringscapaciteit ter versterking van de Europese concurrentiekracht op het gebied van technologieën en strategische sectoren die van essentieel belang zijn voor het concurrentievermogen van de EU.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.
<b>Horizon 2028-2034</b>	COM(2025)543, COM (2025)544	Het voorstel van de Europese Commissie betreft het tiende kaderprogramma voor onderzoek en innovatie (2028–2034), met een voorziene begroting van 175 miljard euro, onder de naam Horizon Europe. Het programma wil strategische focus, vereenvoudigde toegang en snellere uitvoering combineren met steun voor de hele innovatieketen – van fundamenteel onderzoek tot markttoepassing. Het bestaat uit vier pijlers: excellente wetenschap,	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.

		concurrentievermogen & maatschappij, innovatie, en de Europese Onderzoeksruimte, waarbij onder meer wordt ingezet op samenwerking met het Concurrentievermogenfonds (ECF), publiek-private partnerschappen en versterking van SGW. Er is ook ruimte voorzien voor dual-use-projecten, deelname van niet-EU-landen, en een sterkere koppeling tussen EU- en nationale investeringen in O&I.	
<b>Europees Fonds voor Regionale Ontwikkeling (EFRO) met inbegrip van Europese Territoriale Samenwerking (Interreg) en het Cohesiefonds 2028-2034</b>	COM (2025)552	De Commissie stelt voor om de Europese fondsen onder het cohesiebeleid — EFRO, Interreg en het Cohesiefonds — in het volgende MFK onder de pijler 'National and Regional Partnership Plans' (NRPP) te plaatsen. Daarbij worden EFRO en het Cohesiefonds geïntegreerd in één plan per lidstaat, maar wordt Interreg buiten deze nationale plannen geplaatst, via een zogeheten Interreg Plan.	Voorstel wordt besproken op ambtelijk EU-niveau in Raadskader.

Aan de Minister van Economische Zaken

**Directoraat-generaal  
Economie en Digitalisering**  
Directie Digitale Economie



Akkoord.

nota

TER ONDERTEKENING

Beantwoording open consultatie Cloud and AI  
Development Act

**Datum**  
24 juni 2025  
  
**Kenmerk**  
DGED-DE / 99626219

**RT 0000109057**

**Kopie aan**

**Bijlage(n)**  
1

**Parafenroute**



**Aanleiding**

Op 9 april jl. publiceerde de Europese Commissie een open consultatie voor de 'Cloud and AI Development Act' (CADA). De consultatie is de voornaamste mogelijkheid voor aanbieders, gebruikers en beleidsbepalers op het vlak van AI, cloud en datacenters om input aan te dragen voor het ontwerp van het uiteindelijke wetsvoorstel. Onder coördinatie van EZ is er interdepartementaal een rijksbrede reactie op de consultatie opgesteld.

**Advies**

U wordt geadviseerd akkoord te gaan met de beantwoording van de CADA consultatie.

**Kernpunten**

- De Europese Commissie ziet voldoende datacentercapaciteit voor belangrijke digitale diensten, zoals cloud en AI, als essentiële infrastructuur voor economische veiligheid en concurrentiepositie van de EU. Daarom heeft de Commissie als onderdeel van haar AI Continent Action Plan een voorstel voor de Cloud & AI Development Act (CADA) aangekondigd.
- In beginsel staat Nederland positief tegenover de overkoepelende ambitie van de Commissie om met de CADA bij te dragen aan het realiseren van voldoende hoogwaardige en duurzame datacentercapaciteit in de EU en aan goed functionerende cloud- en AI-markten.
- Wel is het voor Nederland van belang dat nieuwe voorstellen een mogelijkheid bieden om bij te dragen aan de concurrentiepositie van onze digitale infrastructuur, en deze positie in ieder geval niet te schaden. Nederland is een van de grootste datacenterknooppunten van Europa.
- Er staat tot 3 juli a.s. een consultatie open waarin marktpartijen, overheden en andere stakeholders inzichten en posities kunnen delen met de Commissie, als input voor het uiteindelijke wetsvoorstel voor de CADA.

Ontvangen BBR

- De consultatie beoogt informatie op te halen over een breed scala aan onderwerpen, waaronder de benodigde toekomstige datacentercapaciteit, private investeringen in cloud- en AI-infrastructuur, aanbestedingsbeleid, overheidsgebruik van cloud en duurzaamheidseisen voor datacenters.
- De Commissie heeft informeel laten weten dat ze nog zoekende zijn naar de exacte scope, instrumenten en acties die ze onderdeel wil maken van de CADA.
- Onder coördinatie van EZ is interdepartementaal een rijksbrede reactie op de consultatie opgesteld. Hierbij hebben departementen (BZK, BZ, DEF, KGG, OCW, VRO, VWS) en relevante overheidsinstanties (RDI, ACM en RVO) meegelezen. Binnen EZ zijn directie O, MC en CIO office betrokken. Ook hebben we brancheverenigingen en de Nederlandse stakeholders aangemoedigd zelf te reageren op de consultatie.
- Het wetsvoorstel voor de CADA wordt begin 2026 verwacht.

#### **Toelichting**

- De Commissie beoogt met de CADA randvoorwaarden te scheppen om voldoende groei van duurzame datacentercapaciteit te realiseren. Hieronder zouden o.a. voorwaarden op het vlak van energie-efficiëntie, watergebruik en ruimtelijke inpassing kunnen worden opgenomen. Onze beantwoording van de consultatie is ingegeven door onze rol als datacenterknooppunt in de EU: er is in Nederland geen noodzaak voor het proactief stimuleren van datacentervraag. We zijn daarnaast voorstander van uniforme Europese standaarden voor duurzame datacenters, bijvoorbeeld voor energie-efficiëntie. Dit kan bijdragen aan een level-playing binnen de EU voor de ontwikkeling van datacenters.
- Verder wil de EC het vergunningsproces voor het bouwen van datacenters vereenvoudigen. Ook in Nederland ervaren datacenterpartijen lange vergunningsprocessen. De rol die de Europese Commissie in het verhelpen hiervan zou kunnen spelen is voor ons op voorhand nog niet duidelijk.
- Ook wil de Commissie mogelijk instrumenten opnemen in de CADA om de verdienmodellen van lokaal cloudaanbod te versterken en om Europese alternatieven te ontwikkelen voor de meest strategische en kritische use cases van cloudgebruik. Prioriteit voor Nederland is het investeren in specifieke clouddiensten die momenteel nog niet door Europese providers worden aangeboden en het steunen van initiatieven die de integratie van clouddiensten van verschillende Europese aanbieders bevordert. Dit alles om het functioneren van de cloudmarkt te bevorderen.
- De consultatie inventariseert ook posities op het vlak van aanbesteding van cloud en AI diensten van overheden. Hier pleit Nederland voor guidelines en moedigen we het gebruik van open source opties en Europese alternatieven aan.
- Ten slotte is het van belang dat er duidelijke definities worden opgesteld over wat cloud soevereiniteit en 'highly critical use cases' zijn en dat er cybersecurity standaarden worden vastgesteld voor clouddiensten.
- Een deel van de vragenlijst ziet op het cloudgebruik door overheden. Voor de beantwoording daarvan is primair BZK verantwoordelijk.
- In de bijlage is de reactie op de consultatie opgenomen.



# CADA – vragenlijst open consultatie voor overheden

Dit document is bedoeld voor de interdepartementale beantwoording van de [open consultatie van de Cloud & AI Development Act](#) (CADA). De consultatie kent meerdere secties, waarvan er twee specifiek relevant zijn voor input vanuit de rijksoverheid:

- Sectie 2.5 biedt de mogelijkheid te reageren vanuit de overheid als gebruiker van AI en clouddiensten.
- Sectie 3 biedt de mogelijkheid te reageren vanuit de beleidsverantwoordelijkheid op het vlak van AI, clouddiensten en datacenters.

In het vervolg van dit document zijn de vragen uit de consultatie en beantwoording hiervan uit die twee secties uiteengezet. De beantwoording van multiple choice vragen zijn **dikgedrukt** en met een 'X' aangegeven en antwoorden van open vragen zijn *schuingedrukt*.

## *Section 2.5: Questions of Public Administrations*

### **Q1: On behalf of what type of public administration are you answering?**

Answer: Local/Regional/**National**/Federal/European

#### *2.5.1 Current situation*

### **Q2: Does your public administration currently use cloud computing and AI services?**

Answer: **Yes**/No/I don't know

### **Q3: What types of cloud services do you use?**

Answer (multiple possible):

- ☒ **X Infrastructure as a Service - IaaS (e.g. Virtual Machines, storage, infrastructure)**
- ☒ **X Platform as a Service – PaaS**
- ☒ **X Software as a Service – SaaS**
- ☐ Other (please specify, max. 1000 characters)
- ☐ I don't know

### **Q4: Do you store data on the cloud?**

Answer: **Yes**/No, only on-premises/I don't know

### **Q5: What type of data do you store in the cloud? (PM BZK)**

Answer (multiple possible):

- ☐ Sensitive information, such as data related to public security or public safety
- ☐ Special categories of sensitive data such as health records or financial data
- ☐ Other data that my organisation considers sensitive (if so, please specify)
- ☐ Commercially sensitive data, including data subject to intellectual property rights as well as trade secrets
- ☐ Operational data related to functioning of digital public services
- ☐ Public data
- ☐ Open data
- ☐ Trained AI models
- ☐ Other (please specify, max. 1000 characters)

### **Q6: How do you store this data on the cloud?**

Answers: All encrypted/All non-encrypted/**It depends on the data classification and sensitivity**/I do not know

### **Q7: Please specify the data classification and sensitivity**

Answer: *4000 character(s) maximum*

There are 3 classifications namely: 1. Unclass, 2. Restricted and/or 3. higher. Within unclass there are numerous specific markings applicable which make the data more or less sensitive, compliant with National, European and NATO information security policies.

**Q8: When selecting cloud providers for your organisation how concerned are you with respect to the following:**

Rank each answer on a scale from 1 to 5, where 1 = not concerned at all and 5 = very concerned

	1	2	3	4	5	Not applicable / I don't know
* Sensitive data of your organisation is accessed by authorities of a third country in circumvention of applicable EU laws and regulations (e.g. GDPR, Data Act)					X	
*Cloud provider is headquartered in a third country that poses specific cyber-security threats to the Union					X	
* Risks such as undue influence by a third country on suppliers and service providers, in particular in the case of alternative models of governance; concealed vulnerabilities or backdoors; and potential systemic supply disruptions, in particular in the case of technological lock-in or provider dependency					X	
*Other (please specify, max. 4000 characters)						

**Q9: Which cloud deployment model(s) does your public administration rely on?**

Answer (multiple possible):

- ☒ **X Government private cloud**
- ☒ **X Public cloud**
- ☒ **X Hybrid cloud**
- ☒ **X Other (please specify, max. 1000 characters)**

*Multi cloud (using multiple (commercial) parties together to run services), and traditional data centers.*

- ☐ I don't know

**Q10: Are any of your procured providers subject to non-EU jurisdictions including laws with extraterritorial effect (e.g. US or Chinese providers)?**

Answer: **Yes**/No/I don't know

**Q11: What are the main factors driving the decision of which cloud service will be procured in your administration?**

Rank each answer on a scale from 1 to 5, where 1 = not very important and 5 = very important

Factor	1	2	3	4	5	Not applicable / I don't know
*Level of assurance and protection, i.e. the security mechanisms put in place depending on the sensitivity of the data					X	
*Price			X			

*Made in Europe			X			Def: increasing in importance
*Provenance of the provider				X		
*Integration with other services from the same provider, for instance, software tools			X			
*Integration with other services from other providers			X			
*Interoperability with other providers					X	
*Integrated offerings (bundle)			X			
*Sustainability				X		
*Latency			X			
*Reliability				X		
*Scalability				X		
*Other (please specify, max. 4000 characters)						

**Q12: What are the main reasons for not using cloud computing by your administration?**

Rank each answer on a scale from 1 to 5, where 1 = not very important and 5 = very important

Reason	1	2	3	4	5	Not applicable / I don't know
*Total Cost of Ownership		X				
*Not enough knowledge to select the most appropriate service for different data sensitivities		X				
*Cybersecurity				X		
*Data protection concerns					X	
*Limited knowledge or lack of expertise in operation and management of cloud services (e.g. in terms of technical, administrative capabilities)				X		
*Limited offering from EU providers			X			
*Compliance with EU regulations (e.g. GDPR, Data Act)					X	
*Risk of unlawful access to data from third countries legislation with extra territorial reach					X	
*Fear of vendor lock in				X		
*Fear of interoperability issues				X		
*High operational cost of migration from on-premise solutions			X			
*Sustainability concerns		X				

*Preference/ No need				X	
*Other (please specify, max. 4000 characters)					

**Q13: Is the software developed in your public administrations released as open source software?**

Answer: Yes/**No**/I don't know

**Q14: Is there an established public repository where the code can be accessed and contributed to?**

Answer: **Yes**/No/I don't know

**Q15: Is there a community governance mechanism put in place for the code released as open source?**

Answer: Yes/**No**/I don't know

*2.5.2 Specific needs and challenges*

**Q16: What are your administration's top priorities when using cloud computing?**

Rank each answer on a scale from 1 to 5 where 1 = not very important and 5 = very important

Priority	1	2	3	4	5	Not applicable / I don't know
*Scalability				X		
*Cost efficiency			X			
*Risk of unlawful access to data from actors subject to non-EU legislation with extraterritorial reach					X	
*Security mechanisms in place					X	
*Data protection measures					X	
*Availability / Uptime				X		
*Performance				X		
*Integration with other services from the same provider, for instance, software tools			X			
*Integration with other services from other providers			X			
*Interoperability with other providers					X	
*Integrated offering (bundle)		X				
*Made in Europe				X		
*Environmental sustainability				X		
*Protection from cybersecurity risks posed by certain countries					X	
*Other (please specify, max. 4000 characters)						

**Q17: What challenges have you encountered with the adoption of cloud by your administration?**

Rank each answer on a scale from 1 to 5, where 1 = not very important and 5 = very important

Challenge	1	2	3	4	5	Not applicable / I don't know
*Limited knowledge on how to technically evaluate, assess and procure the existing cloud service offerings			X			
*Security risks				X		
*Vendor lock in				X		
*Limited technical expertise					X	
*Limited or lack of interoperability				X		
*Regulatory, including public procurement requirements				X		
*Other (please specify, max. 4000 characters)						

**Q18: Are there any gaps in the current offerings of cloud computing providers that impact your operations?**

Answer: 4000 character(s) maximum

*The lack of European Cloud providers who can provide their services at scale limits our ability to switch to their cloud offerings in full.*

**Q19: How can the EU support public administrations in increasing their use of cloud computing?**

Rank each answer on a scale from 1 to 5, where 1 = not very important and 5 = very important

Factor	1	2	3	4	5	Not applicable / I don't know
*Funding			X			
*EU-wide uniform guidance on how to procure			X			
*Mechanisms to allow federation of cloud services across public administrations within and across Member States					X	
*Standards, open specifications and mechanisms to ensure interoperability of cloud solutions				X		
*Cybersecurity guidelines				X		
*Technical support, training and capacity building support			X			
*Other (please specify, max. 4000 characters) <ul style="list-style-type: none"> <li><i>Considering public administrations as a strategic use case for cloud technologies, in order to attract innovation and investment opportunities for this specific and sensitive use of cloud.</i></li> </ul>					X	

<ul style="list-style-type: none"> <li>• <i>Develop a common definition with criteria on cloud sovereignty, such as clarity on the use of sovereign and not-sovereign cloud, access to and ownership of data, and clarity on exclusive EU or member states jurisdiction for EU based cloud infrastructures.</i></li> <li>• <i>Develop a common risk assessment to provide guidance to member states in making well-considered choices on the use of cloud (including minimum standards and common levels on security, privacy and sovereignty).</i></li> <li>• <i>Provide more possibilities in public procurement directives to limit the risks to (national) security, to steer more on strengthening sovereignty and to guarantee the continuity of government services.</i></li> <li>• <i>Separately, Cybersecurity certification based upon Cybersecurity certification schemes under the CSA (Cybersecurity Act) focusing on proven levels of cybersecurity. Finalize EUCS as soon as possible and integrate that in procurement requirements.</i></li> </ul>						
---	--	--	--	--	--	--

**Q20: Does your administration release the code procured for the delivery of digital services as open source?**

Answer: Always/**In some cases**/Never/I don't know/Not applicable

**Q21: Is there any licensing schema preferred? (PM BZK)**

Answer: 4000 character(s) maximum

**Q22: What is preventing you from this?(PM BZK)**

Answer (multiple possible):

- ☐ Licenses
- ☐ Cybersecurity vulnerabilities
- ☐ Maintenance
- ☐ Sustainability
- ☐ Accountability
- ☐ Other (please specify, max. 1000 characters)

**Q23: Are there any specific policy measures you would recommend to improve public administrations' access to and use of cloud services?**

Answer: 4000 character(s) maximum

*Public administrations possess and use a lot of critical and sensitive data. Policy measures on improving the access and use of cloud services should therefore primarily focus on making well-considered decisions on the access and use of different types of (public) cloud technologies instead of focusing on the aim to make more use of cloud technologies in general.*

*Policy measures could include:*

*- Providing guidance by developing a common risk assessments on the use of public cloud technologies. This risk assessment should be combined with common minimum standards for the different types of cloud applications in order to ensure common levels of security, privacy, and*

sovereignty.

- Supporting the use of open standards and solutions with the aim to optimise the freedom of choice, improve interoperability and reduce vendor lock-in.
- Develop a common definition with criteria on cloud sovereignty. This is necessary to reduce the vast grey zone between sovereign and not-sovereign cloud and it will form the basis for collective European action in this field. This definition should entail the following criteria: clarity on the use of sovereign and not-sovereign cloud, access to and ownership of data, and clarity on exclusive EU or member states jurisdiction for EU based cloud infrastructures.
- Ensure transparency from cloud service providers regarding the location of data (including telemetry and diagnostics) and services, as well as the relevant jurisdictions. This transparency should extend to the necessary sub-services utilized by cloud providers to deliver their services to customers.
- Provide financial instruments for innovation and use of critical cloud technologies by public administrations, for example under the current Digital Europe Programme (DEP) and Connecting Europe Facility (CEF Digital). Besides, it is of importance that cloud technologies (used by public administrations) form part of a limited set of digital technologies for investments under the next Multi-annual Financial Framework (MFF).
- To use the strength of public administrations in public procurement in order to accelerate investments in the development and scaling of cloud applications for the most essential and critical cloud solutions used in public administrations.

**Q24: Are there any specific policy measures you would recommend for the provision of the security of cloud services for public administrations?**

Answer: 4000 character(s) maximum

- Develop common minimum standards for the different types of cloud applications in order to ensure common levels of security, privacy, and sovereignty.
- Develop a common definition with criteria on cloud sovereignty. This is necessary to reduce the vast grey zone between sovereign and not-sovereign cloud and it will form the basis for collective European action in this field. This definition should entail the following criteria: clarity on the use of sovereign and not-sovereign cloud, access to and ownership of data, and clarity on exclusive EU or member states jurisdiction for EU based cloud infrastructures.
- The revision of the public procurement directives should include more possibilities to limit the risks to (national) security, to steer more on strengthening sovereignty and to guarantee the continuity of government services.

### Section 3: EU Policies - 3.1 Computing Capacities

#### Q1: What type of EU action should be prioritised for boosting the availability of sufficient and adequate cloud capacity for AI workloads?

Rank each answer on a scale from 1 to 5, where 1 = not very relevant and 5 = very relevant

##### 1a: Facilitation of investment

Policy action	1	2	3	4	5	Not applicable / I don't know
*Increasing public investment into private public infrastructures		X				
*Creating public private partnerships for large scale data centres		X				
*Incentives for building computing infrastructure in underserved regions		X				
*Other (please specify, max. 4000 characters) - Investments in specific cloud services which are currently not provided by European companies and more support for initiatives to support integration of services from different service providers					X	
-Focus on conditions that are critical for creating cloud portability and avoid vendor lockins. E.g. Limit modification of open source implementations as much as possible to improve portability of services / Control options for CSC's regarding identities and encryption of data (transmit / storage)				X		
-Focus on addressing opportunities in Cloud developments as pre conditional to be future resistant and optimise usage for AI systems. E,g, microservice architecture / multicloud implementations / 5G integration of cloud services				X		
-Facilitate SME acces to cloud and AI infrastructure.				X		

##### 1b: Simplification of infrastructure permitting procedures

Policy action	1	2	3	4	5	Not applicable / I don't know
*Have a one stop shop service or a similar mechanism where the different permits at the different administrative levels can be requested and managed	X					
*Reduce the amount of time necessary to obtain the different certificates and permissions			X			



*Create expedited approval mechanisms and clear conditions for critical / strategic projects	X					
*Other (please specify, max. 4000 characters)		X				

**1c: Simplification of regulations for the building of computing infrastructure with energy efficiency**

Policy action	1	2	3	4	5	Not applicable / I don't know
*Unified guidelines at national level for all aspects including energy efficiency	X					
*Unified guidelines at EU level				X		
*Other (please specify, max. 4000 characters) <i>Provide standards addressing the measurement of parameters relevant for identifying efficiency in energy. Refer from implementing additional Regulation on energy efficiency. Set up a reporting system to provide transparency which could include a Marking schedule to encourage efficiency.</i>			X			

**1d: Environmental aspects**

Policy action	1	2	3	4	5	Not applicable / I don't know
*Clear environmental compliance requirements					X	
*Addressing energy availability for data centres					X	
*Addressing land availability for data centres		X				
*Other (please specify, max. 4000 characters) <i>Clear requirements on additional sustainability efforts such as Capturing Heat from data centers.</i>				X		

**1e: Energy efficiency**

Policy action	1	2	3	4	5	Not applicable / I don't know
*Tax incentives for using sustainable technologies				X		
*Funding for research and development of energy-efficient technologies				X		
*Standardized energy efficiency benchmarks					X	

*Investments in the development of more efficient software to manage and monitor the energy efficiency and metrics of the data centre				X	
*Other (please specify, max. 4000 characters)					

### 1f: Cross-cutting issues

Policy action	1	2	3	4	5	Not applicable / I don't know
*Supporting an open source software ecosystem				X		
*Collaborative programs for R&D and innovation					X	
*Other (please specify, max. 4000 characters) In the AI Continent Action Plan, it is suggested that the CADA should also contribute to establishing a common EU marketplace for cloud capacity and services to enable the entry into the market of a more diverse set of cloud service providers. In our view, this should be a central objective of the Act.					X	

**Q2: At EU policy level, is it appropriate to distinguish between capacity for training, for fine-tuning, and for inference of AI models and solutions?**

Answer: **Yes**/No/I don't know (if No, please specify)

### 3.2 Public Sector actions

**Q3: What EU policy actions would best address the current issues faced by Public Administrations when procuring cloud and AI services?**

Answer (multiple possible):

- ☒ **X Guidelines with standard criteria to procure cloud services**
- ☒ **X Guidelines with standard award criteria**
- ☒ **X Standardized tender vocabulary and requirements**
- ☐ I don't know
- ☐ **Other (please specify, max. 1000 characters)**

*Referencing EUCS as applicable cybersecurity certification and give the issuance of EUCS top priority to gain a higher cybersecurity level EU wide at short notice.*

**Q4: What EU policy actions would address the current issues faced by Public Administrations on cloud and AI services?**

Answer (multiple possible):

- ☐ **X Include a criterion ensuring sovereignty, autonomy, resilience and availability in the procurement of narrowly defined highly critical and strategic use cases**
- ☐ Include a criterion for highly innovative solutions
- ☐ Include a criterion for solutions with added value and innovation
- ☒ **X Improvement of skills and capabilities, including training and certifications**
- ☐ Marketplace of cloud services, AI services, and other software applications for the Public sector.
- ☐ **X Other (please specify, max. 4000 characters)**

*-Include a criterion for platform independent cloud and AI hosting ensuring application and data portability*

*-Encourage using Opensource and EU options*

*-Provide funding or incentives for open-source compliance-as-code for public institutions that want to make use of EU Cloud providers, i.e. open-source reference architectures and template code implementations that convert information security frameworks or directives (e.g. ISO:27001, NIS2, NL-BIO, Spain ENS) into starting points for policy-as-code technical security controls that are easy and straightforward to implement. For The Netherlands the Microsoft Azure BIO compliancy policies and for Spain ENS technical Azure controls are deployable with a single mouse click. This considerably speeds up compliance for public organisations as foundation for security and compliance. Similar starting points with relevant policy-as-code repositories for information security compliance are absent for European Cloud providers. These kinds of practical common baselines help both EU cloud providers as well as public institutions achieve better and faster adoption.*

*Optimize the use of EUCS certification for addressing cybersecurity issues. So prioritize the initiation of EIUCS for the short term. Thus limiting the necessity of having a wide range of Assurance reports / certification that even might be member state specific. With one certification addressing all cybersecurity criteria.*

- ☐ I don't know

### *3.3. Open source in the public sector*

#### **Q5: What EU policies would alleviate the challenges of releasing the code funded by public money as open-source\* code?**

*\*released under a license in which the copyright holder grants users the rights to use, study, change, and distribute the software and its source code to anyone and for any purpose.*

Answer (multiple possible):

- ☒ **X A common open-source licensing schema across the EU**
- ☒ **X Guidelines to set up the governance mechanisms of the open-source community**
- ☒ **X Guidelines to select relevant open-source communities/foundations where the code can be released**
- ☒ **X The set up of a public-private foundation dedicated to such communities**
- ☒ **X An obligation to release the source code developed with public money onto open-source repositories, except in duly justified cases**
- ☐ Other (please specify, max. 4000 characters)

*Development of a licensing schema that permits the use of open-source code developed with public funds for EU entities.*

*Funding for maintenance of open-source code.*

- ☐ I don't know

### *3.4 Cross-cutting topics*

**Q6: What EU policy actions would address bundling?**

*Bundling is a commercial strategy where several software packages are sold together for distribution, deployment or use.*

Answer (multiple possible):

- ☐ Regulation of bundling practices to ensure fair competition
- ☒ **X Promoting open licensing models for AI tools and platforms**
- ☒ **X Transparency requirements for cloud provider pricing and licensing**
- ☐ I don't know
- ☐ Other (please specify, max. 4000 characters)

*Transparency requirements for addressing user entity controls involved in these kind of bundling activities.*

*Transparency about how cybersecurity is addressed in the bundle.*

**Q7: What EU policy action would best serve to protect against unlawful access to [sensitive] data [by third-country legislation with extraterritorial reach] and risks associated with supply chain dependencies and possible disruptions) of cloud and AI services?**

Answer (multiple possible):

- ☒ **X Pursue international cooperation (including international agreement) with third countries that address such risks**
- ☐ Develop criteria that could be used to differentiate between third countries depending on whether they pose specific threats to the Union.
- ☐ **Develop criteria to narrowly identify highly critical use cases for cloud and AI services**
- ☐ **Define criteria to narrowly identify highly critical use cases for which public procurers could address specific risks related to third countries' legislation with extraterritorial reach, aligned with international agreements.**
- ☐ Other (please specify, max. 4000 characters)
- ☐ I don't know

**Q8: The EU pursues and has concluded with third countries agreements facilitating trusted cross-border data flows and prohibiting unjustified data localisation restrictions, including with the UK, Japan, Singapore and Korea. How important is it in your view that the EU promotes such partnerships with likeminded countries?**

Answer: **Very important**/Somewhat important/Neutral/Not very important/Not important at all

# Open Public consultation questionnaire on the proposal for a Cloud and AI Development Act

Fields marked with \* are mandatory.

## Introduction

---

This consultation on the Cloud and AI Development Act is structured along three sections:

### **Section 1: General questions for all respondents**

This section includes a set of general questions applicable to all respondents. Your responses here will guide which subsequent questions you receive in Section 2, based on your stakeholder category.

### **Section 2: Stakeholder-Specific Questions**

To tailor the consultation to your area of expertise, please begin by selecting "I am giving my contribution as" to identify your stakeholder category.

To begin, please choose "I am giving my contribution as" to select your specific stakeholder category. You can choose from the following:

- Public Administrations
- Citizens
- NGOs
- Academic/Research Institutions
- Business Associations
- Consumer Organisations
- Environmental Organisations
- Trade Unions
- Company/Business

If you select "Company/Business," please specify further as follows:

- Data Centre Operators
- Cloud / Telco / Edge Providers
- AI Developers and Providers
- Cloud / Edge / AI Users
- Financial Institution, Investor, Fund

Your selection will help us direct you to the relevant questions for your category, ensuring a more focused and effective consultation.

### Section 3: EU Policy

In the final section, all participants are asked to share their views on potential policies to be adopted on cloud policy.

## About you

---

\* First name

\* Surname

\* Email (this won't be published)

\* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese

- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☒ Public authority
- ☐ Trade union
- ☐ Other

\* Organisation name

*255 character(s) maximum*

The Government of The Netherlands

\* Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☒ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

## \* Country of origin

Please add your country of origin, or that of your organisation.

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

- |   |   |  |  |
|---|---|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti                            | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                                 |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica                            | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon                    |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic                  | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines             |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador                             | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa  |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt                               | <input type="radio"/> Macau            | <input type="radio"/> San Marino                                   |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador                         | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe                        |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea                   | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                                 |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea                             | <input type="radio"/> Malaysia         | <input type="radio"/> Senegal                                      |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia                             | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                                       |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini                            | <input type="radio"/> Mali             | <input type="radio"/> Seychelles                                   |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia                            | <input type="radio"/> Malta            | <input type="radio"/> Sierra Leone                                 |
| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands                    | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                                    |
| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands                       | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                                 |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji                                | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                                     |
| <input type="radio"/> Austria             | <input type="radio"/> Finland                             | <input type="radio"/> Mauritius        | <input type="radio"/> Slovenia                                     |
| <input type="radio"/> Azerbaijan          | <input type="radio"/> France                              | <input type="radio"/> Mayotte          | <input type="radio"/> Solomon Islands                              |
| <input type="radio"/> Bahamas             | <input type="radio"/> French Guiana                       | <input type="radio"/> Mexico           | <input type="radio"/> Somalia                                      |
| <input type="radio"/> Bahrain             | <input type="radio"/> French Polynesia                    | <input type="radio"/> Micronesia       | <input type="radio"/> South Africa                                 |
| <input type="radio"/> Bangladesh          | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova          | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados            | <input type="radio"/> Gabon                               | <input type="radio"/> Monaco           | <input type="radio"/> South Korea                                  |
| <input type="radio"/> Belarus             | <input type="radio"/> Georgia                             | <input type="radio"/> Mongolia         | <input type="radio"/> South Sudan                                  |
| <input type="radio"/> Belgium             | <input type="radio"/> Germany                             | <input type="radio"/> Montenegro       | <input type="radio"/> Spain  |
| <input type="radio"/> Belize              | <input type="radio"/> Ghana                               | <input type="radio"/> Montserrat       | <input type="radio"/> Sri Lanka                                    |
| <input type="radio"/>                     | <input type="radio"/>                                     | <input type="radio"/>                  | <input type="radio"/>  |



<input type="radio"/> Benin	<input type="radio"/> Gibraltar	<input type="radio"/> Morocco	<input type="radio"/> Sudan
<input type="radio"/> Bermuda	<input type="radio"/> Greece	<input type="radio"/> Mozambique	<input type="radio"/> Suriname
<input type="radio"/> Bhutan	<input type="radio"/> Greenland	<input type="radio"/> Myanmar/Burma	<input type="radio"/> Svalbard and Jan Mayen
<input type="radio"/> Bolivia	<input type="radio"/> Grenada	<input type="radio"/> Namibia	<input type="radio"/> Sweden
<input type="radio"/> Bonaire Saint Eustatius and Saba	<input type="radio"/> Guadeloupe	<input type="radio"/> Nauru	<input type="radio"/> Switzerland
<input type="radio"/> Bosnia and Herzegovina	<input type="radio"/> Guam	<input type="radio"/> Nepal	<input type="radio"/> Syria
<input type="radio"/> Botswana	<input type="radio"/> Guatemala	<input checked="" type="radio"/> Netherlands	<input type="radio"/> Taiwan
<input type="radio"/> Bouvet Island	<input type="radio"/> Guernsey	<input type="radio"/> New Caledonia	<input type="radio"/> Tajikistan
<input type="radio"/> Brazil	<input type="radio"/> Guinea	<input type="radio"/> New Zealand	<input type="radio"/> Tanzania
<input type="radio"/> British Indian Ocean Territory	<input type="radio"/> Guinea-Bissau	<input type="radio"/> Nicaragua	<input type="radio"/> Thailand
<input type="radio"/> British Virgin Islands	<input type="radio"/> Guyana	<input type="radio"/> Niger	<input type="radio"/> The Gambia
<input type="radio"/> Brunei	<input type="radio"/> Haiti	<input type="radio"/> Nigeria	<input type="radio"/> Timor-Leste
<input type="radio"/> Bulgaria	<input type="radio"/> Heard Island and McDonald Islands	<input type="radio"/> Niue	<input type="radio"/> Togo
<input type="radio"/> Burkina Faso	<input type="radio"/> Honduras	<input type="radio"/> Norfolk Island	<input type="radio"/> Tokelau
<input type="radio"/> Burundi	<input type="radio"/> Hong Kong	<input type="radio"/> Northern Mariana Islands	<input type="radio"/> Tonga
<input type="radio"/> Cambodia	<input type="radio"/> Hungary	<input type="radio"/> North Korea	<input type="radio"/> Trinidad and Tobago
<input type="radio"/> Cameroon	<input type="radio"/> Iceland	<input type="radio"/> North Macedonia	<input type="radio"/> Tunisia
<input type="radio"/> Canada	<input type="radio"/> India	<input type="radio"/> Norway	<input type="radio"/> Türkiye
<input type="radio"/> Cape Verde	<input type="radio"/> Indonesia	<input type="radio"/> Oman	<input type="radio"/> Turkmenistan
<input type="radio"/> Cayman Islands	<input type="radio"/> Iran	<input type="radio"/> Pakistan	<input type="radio"/> Turks and Caicos Islands
<input type="radio"/> Central African Republic	<input type="radio"/> Iraq	<input type="radio"/> Palau	<input type="radio"/> Tuvalu
<input type="radio"/> Chad	<input type="radio"/> Ireland	<input type="radio"/> Palestine	<input type="radio"/> Uganda
<input type="radio"/> Chile	<input type="radio"/> Isle of Man	<input type="radio"/> Panama	<input type="radio"/> Ukraine
<input type="radio"/> China	<input type="radio"/> Israel	<input type="radio"/>	<input type="radio"/>

- |  |                                  |   |  |
|--|----------------------------------|---|--|
| <input type="radio"/> Christmas Island                 | <input type="radio"/> Italy      | <input type="radio"/> Papua New Guinea      | <input type="radio"/> United Arab Emirates                 |
| <input type="radio"/> Clipperton                       | <input type="radio"/> Jamaica    | <input type="radio"/> Paraguay              | <input type="radio"/> United Kingdom                       |
| <input type="radio"/> Cocos (Keeling) Islands          | <input type="radio"/> Japan      | <input type="radio"/> Peru                  | <input type="radio"/> United States                        |
|  |                                  | <input type="radio"/> Philippines           | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia                         | <input type="radio"/> Jersey     | <input type="radio"/> Pitcairn Islands      | <input type="radio"/> Uruguay                              |
| <input type="radio"/> Comoros                          | <input type="radio"/> Jordan     | <input type="radio"/> Poland                | <input type="radio"/> US Virgin Islands                    |
| <input type="radio"/> Congo                            | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal              | <input type="radio"/> Uzbekistan                           |
| <input type="radio"/> Cook Islands                     | <input type="radio"/> Kenya      | <input type="radio"/> Puerto Rico           | <input type="radio"/> Vanuatu                              |
| <input type="radio"/> Costa Rica                       | <input type="radio"/> Kiribati   | <input type="radio"/> Qatar                 | <input type="radio"/> Vatican City                         |
| <input type="radio"/> Côte d'Ivoire                    | <input type="radio"/> Kosovo     | <input type="radio"/> Réunion               | <input type="radio"/> Venezuela                            |
| <input type="radio"/> Croatia                          | <input type="radio"/> Kuwait     | <input type="radio"/> Romania               | <input type="radio"/> Vietnam                              |
| <input type="radio"/> Cuba                             | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia                | <input type="radio"/> Wallis and Futuna                    |
| <input type="radio"/> Curaçao                          | <input type="radio"/> Laos       | <input type="radio"/> Rwanda                | <input type="radio"/> Western Sahara                       |
| <input type="radio"/> Cyprus                           | <input type="radio"/> Latvia     | <input type="radio"/> Saint Barthélemy      | <input type="radio"/> Yemen                                |
| <input type="radio"/> Czechia                          | <input type="radio"/> Lebanon    | <input type="radio"/> Saint Helena          | <input type="radio"/> Zambia                               |
|  |                                  | Ascension and Tristan da Cunha              |  |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho    | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe                             |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia    | <input type="radio"/> Saint Lucia           |  |

\* Is your organization headquartered in the EU?

- ☒ Yes
- ☐ No
- ☐ Other (e.g. multiple organizations)

\* Is your parent company headquartered in the EU?

- ☐ Yes
- ☒ No

\* Scope



International

- ☐ Local
- ☒ National
- ☐ Regional

\* Level of governance

- ☐ Parliament
- ☒ Authority
- ☐ Agency

\* **Availability for a follow-up conversation** - We may wish to contact you for clarification or further discussion if your submission prompts additional interest.

Do you agree to be contacted by the Commission for clarification or discussion further to your submission?

- ☒ Yes
- ☐ No

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

\* **Contribution publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☒ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☐ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the

organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

## Section 2: Questions for specific target groups

---

The EU's digital competitiveness in AI and cloud computing is significantly hindered by the gap between the computing resources available in the EU and the needs to satisfy the growing demand for AI-driven services and applications. Current projections indicate that the EU needs to triple its capacity of AI-optimised data and computing infrastructures designed to accommodate data processing and storage needs across the AI value chain (training, inference, fine-tuning). Your response to this section of the survey will help the Commission to assess the scale of this problem as well as to qualitatively analyse its drivers.

### 2.5 Questions of Public Administrations

#### \* On behalf of what type of public administration are you answering?

- ☐ Local
- ☐ Regional
- ☒ National/Federal
- ☐ European

#### 2.5.1 Current situation

#### \* Does your public administration currently use cloud computing and AI services?

- ☒ Yes
- ☐ No
- ☐ I don't know

#### \* What types of cloud services do you use?

- ☒ Infrastructure as a Service - IaaS (e.g. virtual machines, storage, infrastructure)
- ☒ Platform as a Service - PaaS
- ☒ Software as a Service - SaaS
- ☐ Other
- ☐ I don't know

#### \* Do you store data on the cloud?

- ☒ Yes
- ☐ No, only on-premises
- ☐ I don't know

**\* What type of data do you store in the cloud?**

- ☐ Sensitive information, such as data related to public security or public safety
- ☐ Special categories of sensitive data such as health records or financial data
- ☐ Other data that my organisation considers sensitive (if so, please specify)
- ☐ Commercially sensitive data, including data subject to intellectual property rights as well as trade secrets
- ☐ Operational data related to functioning of digital public services
- ☐ Public data
- ☐ Open data
- ☐ Trained AI models
- ☒ Other

**\* Please specify**

*1000 character(s) maximum*

Information not readily available

**\* How do you store this data on the cloud?**

- ☐ All encrypted
- ☐ All non-encrypted
- ☒ It depends on the data classification and sensitivity
- ☐ I do not know

**\* Please specify the data classification and sensitivity**

*4000 character(s) maximum*

There are 3 classifications namely: 1. Unclass, 2. Restricted and/or 3. higher. Within unclass there are numerous specific markings applicable which make the data more or less sensitive, compliant with National, European and NATO information security policies.

**When selecting cloud providers for your organisation how concerned are you with respect to the following:**

(Rank each answer on a scale from 1 to 5, where 1 = not concerned at all and 5 = very concerned)

	1	2	3	4	5	Not applicable / I don't know
* Sensitive data of your organisation is accessed by authorities of a third country in circumvention of applicable EU laws and regulations (e.g. GDPR, Data Act)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Cloud provider is headquartered in a third country that poses specific cyber-security threats to the Union	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Risks such as undue influence by a third country on suppliers and service providers, in particular in the case of alternative models of governance; concealed vulnerabilities or backdoors; and potential systemic supply disruptions, in particular in the case of technological lock-in or provider dependency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**\* Which cloud deployment model(s) does your public administration rely on?**

- ☒ Government private cloud
- ☒ Public cloud
- ☒ Hybrid cloud
- ☒ Other
- ☐ I don't know

**\* Please specify**

*1000 character(s) maximum*

Multi cloud (using multiple (commercial) parties together to run services), and traditional data centers.

**\* Are any of your procured providers subject to non-EU jurisdictions including laws with extraterritorial effect (e.g. US or Chinese providers)?**

- ☒ Yes
- ☐ No
- ☐

I don't know

**What are the main factors driving the decision of which cloud service will be procured in your administration?**

Rank each answer on a scale from 1 to 5 where 1 = not very important and 5 = very important.

Factor	1	2	3	4	5	Not applicable / I don't know
* Level of assurance and protection (i.e. the security mechanisms put in place depending on the sensitivity of the data)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Price	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Made in the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Provenance of the provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Integration with other services from the same provider (e.g. software tools)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Integration with other services from other providers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Interoperability with other providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Integrated offerings (bundle)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Sustainability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Latency	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Reliability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Scalability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**\* Is the software developed in your public administrations released as open source software?**

- ☐ Yes  
☒ No  
☐ I don't know

**\* Is there an established public repository where the code can be accessed and contributed to?**

- ☒ Yes  
☐

No

☐ I don't know

**\* Is there a community governance mechanism put in place for the code released as open source?**

☐ Yes

☒ No

☐ I don't know

## 2.5.2 Specific needs and challenges

**What are your administration's top priorities when using cloud computing?**

(Rank each answer on a scale from 1 to 5 where 1 = not very important and 5 = very important)

Priority	1	2	3	4	5	Not applicable / I don't know
* Scalability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Cost efficiency	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Risk of unlawful access to data from actors subject to non-EU legislation with extraterritorial reach	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Security mechanisms in place	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Data protection measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Availability / uptime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Performance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Integration with other services from the same provider, for instance, software tools	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Integration with other services from other providers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Interoperability with other providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Integrated offering (bundle)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Made in Europe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Environmental sustainability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Protection from cybersecurity risks posed by certain countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>



## What challenges have you encountered with the adoption of cloud by your administration?

(Rank each answer on a scale from 1 to 5, where 1 = not very important and 5 = very important)

Challenge	1	2	3	4	5	Not applicable / I don't know
* Limited knowledge on how to technically evaluate, assess and procure the existing cloud service offerings	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Security risks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Vendor lock in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Limited technical expertise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Limited or lack of interoperability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regulatory, including public procurement requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

## \* Are there any gaps in the current offerings of cloud computing providers that impact your operations?

4000 character(s) maximum

The lack of European Cloud providers who can provide their services at scale limits our ability to switch to their cloud offerings in full.

## How can the EU support public administrations in increasing their use of cloud computing?

(Rank each answer on a scale from 1 to 5, where 1 = not very important and 5 = very important)

Factor	1	2	3	4	5	Not applicable / I don't know
* Funding	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* EU-wide uniform guidance on how to procure	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Mechanisms to allow federation of cloud services across public administrations within and across Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*						

Standards, open specifications and mechanisms to ensure interoperability of cloud solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Cybersecurity guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Technical support, training and capacity building support	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**\* Please specify**

4000 character(s) maximum

- Considering public administrations as a strategic use case for certain critical cloud technologies, in order to attract innovation and investment opportunities for this specific and sensitive use of cloud.
- Develop a common definition with criteria on cloud sovereignty, such as clarity on the use of sovereign and not-sovereign cloud, access to and ownership of data, and clarity on exclusive EU or member states jurisdiction for EU based cloud infrastructures.
- Develop a common risk assessment to provide guidance to member states in making well considered choices on the use of cloud (including minimum standards and common levels on security, privacy and sovereignty).
- Provide more possibilities in public procurement directives to limit the risks to (national) security, to steer more on strengthening sovereignty and to guarantee the continuity of government services.
- Separately, Cybersecurity certification based upon Cybersecurity certification schemes under the CSA (Cybersecurity Act) focusing on proven levels of cybersecurity. Finalize EUCS as soon as possible and integrate that in procurement requirements.

**\* Does your administration release the code procured for the delivery of digital services as open source?**

- ☐ Always
- ☒ In some cases
- ☐ Never
- ☐ I don't know
- ☐ Not applicable

**\* What is preventing you from this?**

- ☐ Licenses
- ☐ Cybersecurity vulnerabilities
- ☐ Maintenance
- ☐ Sustainability
- ☐

## Accountability



## Other

### \* Please specify

1000 character(s) maximum

information not readily available

### \* Are there any specific policy measures you would recommend to improve public administrations' access to and use of cloud services?

4000 character(s) maximum

Public administrations possess and use a lot of critical and sensitive data. Policy measures on improving the access and use of cloud services should therefore primarily focus on making well-considered decisions on the access and use of different types of (public) cloud technologies instead of focusing on the aim to make more use of cloud technologies in general.

Policy measures could include:

- Providing guidance by developing a common risk assessments on the use of public cloud technologies. This risk assessment should be combined with common minimum standards for the different types of cloud applications in order to ensure common levels of security, privacy, and sovereignty.
- Supporting the use of open standards and solutions with the aim to optimise the freedom of choice, improve interoperability and reduce vendor lock-in.
- Develop a common definition with criteria on cloud sovereignty. This is necessary to reduce the vast grey zone between sovereign and not-sovereign cloud and it will form the basis for collective European action in this field. This definition should entail the following criteria: clarity on the use of sovereign and not-sovereign cloud, access to and ownership of data, and clarity on exclusive EU or member states jurisdiction for EU based cloud infrastructures.
- Ensure transparency from cloud service providers regarding the location of data (including telemetry and diagnostics) and services, as well as the relevant jurisdictions. This transparency should extend to the necessary sub-services utilized by cloud providers to deliver their services to customers.
- Provide financial instruments for innovation and use of critical cloud technologies by public administrations, for example under the current Digital Europe Programme (DEP) and Connecting Europe Facility (CEF Digital). Besides, it is of importance that cloud technologies (used by public administrations) form part of a limited set of digital technologies for investments under the next Multi-annual Financial Framework (MFF).
- To use the strength of public administrations in public procurement in order to accelerate investments in the development and scaling of cloud applications for the most essential and critical cloud solutions used in public administrations.

**\* Are there any specific policy measures you would recommend for the provision of the security of cloud services for public administrations?**

4000 character(s) maximum

- Develop common minimum standards for the different types of cloud applications in order to ensure common levels of security, privacy, and sovereignty.
- Develop a common definition with criteria on cloud sovereignty. This is necessary to reduce the vast grey zone between sovereign and not-sovereign cloud and it will form the basis for collective European action in this field. This definition should entail the following criteria: clarity on the use of sovereign and not-sovereign cloud, access to and ownership of data, and clarity on exclusive EU or member states jurisdiction for EU based cloud infrastructures.
- The revision of the public procurement directives should include more possibilities to limit the risks to (national) security, to steer more on strengthening sovereignty and to guarantee the continuity of government services.

Please include any additional information you would like to share

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

### 3. EU Policies

Faced with the current gap in the EU's cloud and AI computing capacity, preliminary policy levers and possible areas of action have been identified to drive the development and deployment of the required computing resources and to stimulate their uptake in line with the EU's rules and broader policy objectives. Your response to this section of the consultation will help the Commission to design the most impactful and efficient policy options as well as identify possible missing elements.

#### 3.1 Computing Capacities

This section collects input on the prioritisation of the activities in order to foster different types of computation facilities in the EU, while taking environmental aspects into consideration.

**What type of EU action should be prioritised for boosting the availability of sufficient and adequate cloud capacity for AI workloads?**

(Rank each answer on a scale from 1 to 5, where 1 = not very relevant and 5 = very relevant).

#### Facilitation of investment

Policy action	1	2	3	4	5	Not applicable / I don't know

* Increasing public investment in private-public infrastructures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Creating public-private partnerships for large-scale data centres	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Incentives for building computing infrastructure in underserved regions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**\* Please specify**

- Investments in specific cloud services which are currently not provided by European companies and more support for initiatives to support integration of services from different service providers
- Focus on conditions that are critical for creating cloud portability and avoid vendor lockins. E.g. Limit modification of open source implementations as much as possible to improve portability of services / Control options for CSC's regarding identities and encryption of data (transmit / storage)
- Focus on addressing opportunities in Cloud developments as pre conditional to be future resistant and optimise usage for AI systems. E.g, microservice architecture / multicloud implementations / 5G integration of cloud services
- Facilitate SME acces to cloud and AI infrastructure.

**Simplification of infrastructure permitting procedures**

Policy action	1	2	3	4	5	Not applicable / I don't know
* Have a one stop shop service or a similar mechanism where the different permits at the different administrative levels can be requested and managed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Reduce the amount of time needed to obtain the different permits and environmental authorisations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Create expedited approval mechanisms and clear conditions for critical / strategic projects	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Simplification of regulations for the building of computing infrastructure with energy efficiency**

Policy action	1	2	3	4	5	Not applicable / I don't know

* Unified guidelines at national level for all aspects including energy efficiency	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unified guidelines at EU level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**\* Please specify**

Provide standards addressing the measurement of parameters relevant for identifying efficiency in energy. Refer from implementing additional Regulation on energy efficiency. Set up a reporting system to provide transparency which could include a Marking schedule to encourage efficiency.

## Environmental aspects

Policy action	1	2	3	4	5	Not applicable / I don't know
* Clear environmental compliance requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Addressing energy availability for data centres	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Addressing land availability for data centres	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**\* Please specify**

Clear requirements on additional sustainability efforts such as capturing heat from data centers.

## Energy efficiency

Policy action	1	2	3	4	5	Not applicable / I don't know
* Tax incentives for using sustainable technologies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Funding for research and development of energy-efficient technologies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Standardised energy efficiency benchmarks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Investments in the development of more efficient software to manage and monitor the energy efficiency and metrics of the data centre	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* Other

☐☐☐☐☐☒

## Cross-cutting issues

Policy action	1	2	3	4	5	Not applicable / I don't know
* Supporting an open source software ecosystem	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Collaborative programmes for R&D and innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### \* Please specify

In the AI Continent Action Plan, it is suggested that the CADA should also contribute to establishing a common EU marketplace for cloud capacity and services to enable the entry into the market of a more diverse set of cloud service providers. In our view, this should be a central objective of the Act.

### \* At EU policy level, is it appropriate to distinguish between capacity for training, for fine-tuning, and for inference of AI models and solutions?

- ☒ Yes
- ☐ No
- ☐ I don't know

## 3.2 Public Sector actions

The following set of questions aim at gathering information mainly on the procurement rules of public administrations, and on policy actions to address the challenges faced by the public sector on procuring cloud services.

### \* Which EU policy actions would best address the current issues faced by public administrations when procuring cloud and AI services? (multiple options possible)

- ☒ Guidelines with standard criteria to procure cloud services
- ☒ Guidelines with standard award criteria
- ☒ Standardized tender vocabulary and requirements
- ☐ I don't know
- ☒ Other

### \* Please specify

1000 character(s) maximum

Referencing EUCS as applicable cybersecurity certification and give the issuance of EUCS top priority to gain a higher cybersecurity level EU wide at short notice.

**\* Which EU policy actions would address the issues currently faced by public administrations as regards cloud and AI services? (multiple options possible)**

- ☒ Include a criterion ensuring sovereignty, autonomy, resilience and availability in the procurement of narrowly defined highly critical and strategic use cases
- ☐ Include a criterion for highly innovative solutions
- ☐ Include a criterion for solutions with added value and innovation
- ☒ Improvement of skills and capabilities, including training and certifications
- ☒ Marketplace of cloud services, AI services, and other software applications for the Public sector.
- ☒ Other
- ☐ I don't know

**\* Please specify**

*4000 character(s) maximum*

-Include a criterion for platform independent cloud and AI hosting ensuring application and data portability

-Encourage using Opensource and EU options

-Provide funding or incentives for open-source compliance-as-code for public institutions that want to make use of EU Cloud providers, i.e. open-source reference architectures and template code implementations that convert information security frameworks or directives (e.g. ISO:27001, NIS2, NL-BIO, Spain ENS) into starting points for policy-as-code technical security controls that are easy and straightforward to implement. For The Netherlands the Microsoft Azure BIO compliancy policies and for Spain ENS technical Azure controls are deployable with a single mouse click. This considerably speeds up compliance for public organisations as foundation for security and compliance. Similar starting points with relevant policy-as-code repositories for information security compliance are absent for European Cloud providers. These kinds of practical common baselines help both EU cloud providers as well as public institutions achieve better and faster adoption.

- Optimize the use of EUCS certification for addressing cybersecurity issues. So prioritize the initiation of EUCS for the short term. Thus limiting the necessity of having a wide range of Assurance reports / certification that even might be member state specific. With one certification addressing all cybersecurity criteria.

### 3.3. Open source in the public sector

The following set of questions are intended to gain input to help address policy options on the release of code developed with public money as open-source code.



**\* What EU policies would alleviate the challenges of releasing the code funded by public money as open-source\* code?**

(\*released under a license in which the copyright holder grants users the rights to use, study, change, and distribute the software and its source code to anyone and for any purpose)

- ☒ A common open-source licensing schema across the EU
- ☒ Guidelines to set up the governance mechanisms of the open-source community
- ☒ Guidelines to select relevant open-source communities/foundations where the code can be released
- ☒ The setting up of a public-private foundation dedicated to such communities
- ☒ An obligation to release the source code developed with public money onto open-source repositories, except in duly justified cases
- ☒ Other
- ☐ I don't know

**\* Other, please specify**

*4000 character(s) maximum*

Development of a licensing schema that permits the use of open-source code developed with public funds for EU entities.

Funding for maintenance of open-source code.

### 3.4 Cross – cutting topics

The following questions are intended to provide the Commission with your input on cross-cutting topics such as market practices, security and research.

**\* What EU policy actions would address bundling?** Bundling is a commercial strategy where several software packages are sold together for distribution, deployment or use.

- ☐ Regulation of bundling practices to ensure fair competition
- ☒ Promoting open licensing models for AI tools and platforms
- ☒ Transparency requirements for cloud provider pricing and licensing
- ☐ I don't know
- ☒ Other

**\* Other, please specify**

*4000 character(s) maximum*

Transparency requirements for addressing user entity controls involved in these kind of bundling activities.  
Transparency about how cybersecurity is addressed in the bundle.

**\* What EU policy actions would best protect against unlawful access to [sensitive] data [by third-country legislation with extraterritorial reach] and risks associated with supply chain dependencies (and possible disruptions) of cloud and AI services?**

- ☒ Pursue international cooperation (including international agreement) with third countries that address such risks
- ☐ Develop criteria that could be used to differentiate between third countries depending on whether they pose specific threats to the Union.
- ☒ Develop criteria to narrowly identify highly critical use cases for cloud and AI services
- ☒ Define criteria to narrowly identify highly critical use cases for which public procurers could address specific risks related to third countries' legislation with extraterritorial reach, aligned with international agreements.
- ☐ Other
- ☐ I don't know

**\* The EU pursues and has concluded with third countries agreements that facilitate trusted cross-border data flows and prohibit unjustified data localisation restrictions (including with Japan, Korea, Singapore and the UK). How important is it in your view that the EU promotes such partnerships with like-minded countries?**

- ☒ Very important
- ☐ Somewhat important
- ☐ Neutral
- ☐ Not very important
- ☐ Not important at all

In order to meet the future demand for AI services and applications while catering for the EU's environmental policy objectives and technological autonomy, the EU needs to advance its research and innovation in the area of sustainable and resource-efficient AI computing continuum technologies (IoT, Telco, Edge, the cloud and HPC). Your response to this section of the survey will complement a targeted consultation addressing stakeholders involved in research and innovation projects in these fields and will help the Commission to identify priority fields for future support.

If you are a researcher, are there any specific research priorities that you would like to recommend on:

**Data centre components (e.g. highly efficient chips, graphene battery walls)?**

*4000 character(s) maximum*

**Optimal data centre operation and use of resources (e.g. AI solutions, optimisation of computing architecture and virtualisation, improved adaptation to user demand)?**

*4000 character(s) maximum*

**Cooling innovations (e.g. direct on-chip, liquid & immersive)?**

*4000 character(s) maximum*

**Integration of data centres into energy systems?**

*4000 character(s) maximum*

**Advanced pilot lines to demonstrate the green data centres of the future?**

*4000 character(s) maximum*

**Any other ideas?**

*4000 character(s) maximum*

Please upload your file(s), if you have any additional information

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

## Contact



# Questionnaire for the public consultation on the Revision of the State aid rules for services of general economic interest, in particular on Housing

Fields marked with \* are mandatory.

## Questionnaire for the public consultation on the Revision of the State aid rules for services of general economic interest, in particular on Housing

---

Housing affordability has deteriorated in recent years. Most Member States are now suffering critical housing shortages, in particular in major cities. Housing costs have risen considerably relative to incomes, representing a major social challenge and burden for families, young people, and others who are unable to access appropriate housing at an affordable price. This has an impact on European competitiveness by hurting mobility and access to employment opportunities, including for key workers in the society. In addition, housing of low quality has direct negative impacts on quality of life and health. The housing challenges are particularly acute in urban areas, where three quarters of the EU population live, and also affect rural areas (with sometimes excessive demand in urban areas or falling prices due to depopulation in rural areas).

In order to address this urgent issue, strong policy action at European level is needed to support the national, regional and local levels as effectively as possible. The Commission has appointed a Commissioner for Housing and has set up a Task Force on Affordable Housing to coordinate Commission workstreams on housing. The Commission will put forward a European Affordable Housing Plan in 2026 to complement Member States, regional and local governments' housing policies and initiatives, while respecting the principle of subsidiarity in the housing sector and taking into account the various interests of the many relevant stakeholders.

Member States' support to facilitate affordable housing projects may involve a wide range of financial and regulatory instruments. The introduction of such instruments could constitute State aid and/or require State aid clearance by the Commission.

Member States may grant Services of General Economic Interest (SGEI) compensation for social housing without prior Commission approval and without any compensation limit under the [SGEI Decision](#), provided that all conditions therein are complied with.

While in principle the SGEI Decision could also cover affordable housing SGEIs, (i) affordable housing is not expressly defined in the SGEI Decision, making the use of the Decision difficult for Member States to design SGEIs for affordable housing, and (ii) to the extent that these SGEIs would go beyond the scope of social housing, compensation under the SGEI Decision could not exceed EUR 15 million per year which is insufficient to address existing needs.

Beyond EUR 15 million/year, affordable housing SGEIs could be subsidised under the [SGEI Framework](#) (applicable in cases where the SGEI Decision does not apply), subject to prior notification and Commission approval. Besides the difficulty of designing affordable housing SGEIs and the need to notify the related measures, the SGEI Framework has more stringent compatibility conditions than the SGEI Decision, which makes it impractical for funding affordable housing. Also, Member States have never notified an affordable housing compensation under the SGEI Framework.

In light of this, State aid for affordable housing measures has been approved by the Commission in a few cases directly under Article 107(3)(c) of the Treaty on the Functioning of the European Union (“TFEU”), following an assessment to verify whether the positive effects of the aid outweigh its negative effects. The Commission approved three housing schemes in recent years in this way, concerning Sweden ([SA.56305](#)) [1], Ireland ([SA.102927](#)) [2] and Czechia ([SA.106249](#)) [3]. However, such decisions require a notification and a case-by-case assessment, which makes such approach unfit for a generalised application.

Against this background, the Commission will revise the SGEI rules to offer more flexibility to Member States to support affordable housing notably through the financing of the construction of new buildings and /or renovations of existing buildings. In doing so, the Commission however also considers it essential to avoid (i) undue interference with market forces, which could crowd out private investment and distort competition, and (ii) an impact on social housing to the detriment of the most vulnerable groups in society.

With this revision, the Commission proposes to introduce a definition for affordable housing in the SGEI Decision. The Commission is currently considering the following definition for State aid purposes only and without prejudice to other definitions that Member States or other institutions may use in other circumstances:

***“Housing for households, who are not able, due to market outcomes and notably market failures, to access housing that meets minimum energy performance levels at affordable conditions.”***

Affordable housing SGEIs, as defined above, could be compensated under the SGEI Decision either without limitation of amount or up to a maximum amount to be determined.

The Commission will provide guidance in the SGEI rules on some general conditions that need to be considered in the design of affordable housing SGEIs, as defined above, to ensure consistency with the definition and avoid the risk of manifest errors.

In addition, the Commission proposes to clarify that the costs linked with investments in the renovation of social and affordable housing can be taken into account for the financing of social and affordable housing SGEIs.

Moreover, the Commission will also simplify, update and clarify some concepts in the SGEI Decision, and possibly the [SGEI Communication](#), without introducing new rules in this respect, further to the [evaluation](#) of the SGEI rules and [the review](#) of the [SGEI de minimis Regulation](#).

Against this background, this public consultation aims to gather input that will help shape the Commission’s revision of the SGEI rules. The public consultation is open until 31 July.

The responses from this consultation will be analysed and a factual summary of the main points and the conclusions will be made public on the Commission’s central public consultations page. A factual summary report will be published on the consultation page after the public consultation is closed. Moreover, a synopsis report will be prepared, containing a summary of all the consultation results activities.

[1] On 11 September 2020, the Commission approved an aid scheme in Sweden directly under Article 107(3)(c) TFEU, which provides support for the construction of (a) rental housing in areas experiencing population growth and housing shortages, or in municipalities experiencing population growth and suffering from a lack of a certain type of housing, and (b) student rental housing in or near municipalities which have universities or other higher education institutions.

[2] On 6 February 2023, the Commission approved an Irish aid scheme to support the building of apartments for sale to owner-occupiers in Dublin and other Irish cities with a view to increasing the supply of apartments and stimulate ownership of housing. In the context of this case, the Irish authorities demonstrated that current market prices are not sufficient to cover the increasing delivery costs of apartments and that this has resulted in a housing shortage in Irish cities.

[3] On 8 April 2024, the Commission approved a Czech aid measure to support affordable rental housing in Czechia. The measure aims at increasing the supply of affordable housing for a set of target groups (e.g. essential workers such as police, teachers, firemen, health professionals, as well as refugees), by supporting the construction and renovation of housing through grants and loans. The additional housing supply, to be rented at 'below market' rates, would not be financially viable to build without the aid.

## General information on the respondent

---

\* Category of respondent?

- ☐ Citizen
- ☒ Public authority (National)
- ☐ Public authority (Regional)
- ☐ Public authority (Local)
- ☐ Company/business
- ☐ Association of companies/businesses
- ☐ Financial institution
- ☐ Social partner
- ☐ Academic/research institution
- ☐ NGO
- ☐ Other [please, specify]

\* Nationality?

- ☒ EU
- ☐ Non-EU/multinational

\* EU member state

NL - Netherlands

## Definition of affordable housing

---

While there is currently no common definition of affordable housing at EU level, the notion needs to be defined for State aid purposes to identify which type of housing services may be compensated under the revised SGEI Decision. The Commission envisages to introduce the following definition of affordable housing for State aid purposes only:

*“Housing for households, who are not able, due to market outcomes and notably market failures, to access housing that meets minimum energy performance levels at affordable conditions”.*

\* Do you consider that the proposed definition is sufficient to allow Member States to implement affordable housing SGEIs under the SGEI Decision while avoiding

(i) undue interference with market forces, which could crowd out private investment and distort competition,

and

(ii) an impact on social housing to the detriment of the most vulnerable groups in society?

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

The NL welcomes the revision of the SGEI rules to allow State aid for middle-income housing.

An increasing number of households, who do not qualify for social housing, are unable to access affordable housing on the private market. Those most in need of assistance to find affordable housing are lower- and middle-income households, as well as single parents, couples with two or more children, those with precarious labour contracts, people with disabilities, and the elderly. The NL can now provide aid for the construction and rental of social housing for many of these households. However, households (just) above the social rent income level usually do not have enough income to buy a home or pay the monthly rent in the private sector. The proposed definition enables the NL to provide housing that is affordable for these households. The target group for housing corporations remains social housing for those on low incomes (including the current maximum income limit). To prevent low middle income households from being displaced by those with higher incomes, legislation and/ or administrative agreements will be made with the housing corporations and municipalities.

The NL is committed to creating a healthy investment climate to mitigate the housing shortage. This is a high priority, and it continuously monitored. To encourage private investors to invest in the housing market, research is already being conducted into the investment market and potential improvements. Alongside ensuring a resilient investment climate in the housing market, the NL recognizes the urgent need to address the shortage of affordable housing for middle-income earners, which could justify establishing an SGEI. This was recognized by the CJEU in its Libert case law. In addition, in the Cali Apartments case, the CJEU ruled that addressing a shortage of rental housing constitutes an imperative interest of general interest.

\* For Member States: Would the proposed definition raise any concerns about planned or existing affordable housing measures in your Member State?

- ☐ Yes  
☒ No  
☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

In the NL, households with an income above the SGEI rental limit but below the threshold required to afford housing in the private rental sector are classified as middle-income.

Various measures have been taken in recent years to increase the supply of mid-market-rental homes. While the total private housing stock has increased, the number of affordable homes has decreased. Affordability for middle-income households in the rental market has come under increasing pressure, also due to a persistent mismatch between supply and demand.

On 1 July 2024, national legislation regulating middle-income rental housing was introduced. This means that the housing valuation system, where the maximum rent can be calculated based on quality of the dwelling via a point system, has been extended to the middle rent limit. Prior to this relatively new legislation, the point system was capped at the SGEI rent limit, which is the maximum rent for social housing. In 2025, the SGEI-limit is EUR 900,07. The current limit is at 186 points, equivalent to EUR 1,184.82 in 2025. Private



landlords of rental properties and social housing corporations with properties up to 185 WWS points are obliged to comply with the maximum rent under the system. It should be noted that this rent ceiling is relatively high; social housing providers currently charge an average of 78% of the maximum permitted rent.

Following the revision of the SGEI exemption decision, a new category of affordable housing will be introduced, aligned with the definition of social housing. When implementing the revised EU legislation, the NL aims to maintain the current middle-income segment at the national legislative level. Additional legislation is considered to provide State aid for affordable housing for middle-income households, in line with the current middle segment in the NL.

\* In your view, should affordable housing SGEIs only be defined in specific areas experiencing housing shortages?

- ☐ Yes
- ☒ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

Current SGEI activities in social housing are taking place across the NL. In particular, new homes are being built in areas experiencing severe housing shortages. From 2015 to 2021, the number of homes in the private rental segment has increased from 415,000 to 648,000, which is a growth of 36%. Typically, an increase in supply leads to a decrease in price. In the NL, however, the rental sector for homes with a monthly rent above EUR 1000 grew by 135%. In 2016, 80% of advertised rental homes were affordable; by 2021, this figure had fallen to 50% (33% in the four largest cities). On average, rents in 2024 were on average 5.4% higher than in 2023. This is the largest rent increase since 1993, when rents rose at the same rate.

The previous question addressed the legislation introduced in 2024 that regulates middle-rent properties. Due to the housing value component that is part of the point valuation system, homes in the Randstad and other areas experiencing a significant housing shortage are more valuable. This encourages landlords to build rental properties, particularly in areas where there is a significant imbalance between supply and demand.

Although almost all SGEI activities in social and affordable housing take place in areas with a housing shortage (since the shortage is nationwide), the NL believes that it should be free to maintain national policy. SGEI activities in areas with a lesser shortage of housing can contribute to relocation and the provision of adequate housing. For example, housing for the elderly or care homes could be built, and large family homes could be rented out to families currently living in properties that are too small.

---

## Beneficiaries of affordable housing SGEIs

---

Affordable housing differs from social housing in terms of the population targeted. While affordable housing generally serves lower- to middle-income groups who face difficulties accessing market-rate housing, social housing is aimed at socially less advantaged groups with more acute socio-economic needs. In order to

ensure that affordable housing SGEIs effectively reach those in need and to minimise distortions to the private housing market, the following questions address the criteria that could be defined at the level of Member States to limit affordable housing SGEIs to a clear target group.

\* In your view, should affordable housing SGEIs include income limits (e.g. thresholds based on income deciles) for applicants to qualify as beneficiaries of affordable housing SGEIs?

- ☒ Yes  
☐ No  
☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

The previous questions addressed the regulation of the middle rental segment in the NL from 2024 onwards. Based on the point system, rental properties that fall into the regulated middle segment are not permitted to charge a rent higher than the maximum appropriate for the property. These regulated middle rental homes, as well as social rental housing, will subsequently be allocated to households with an eligible income. In the NL, middle-income single-person households have an income ranging from EUR 49,669 to EUR 67,366, while middle-income multi-person households have an income ranging from EUR 54,847 to EUR 89,821 (price level 2025). Municipalities can use the housing permit to set allocation rules for the regulated medium-rent homes. This ensures that the properties are allocated to households with a middle income, and that the benefits of State aid are directed towards housing for income groups that require assistance to find affordable housing in relation to their income.

In your view, how should income limits be determined? Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

Although the previous question was answered in the affirmative, the NL considers that the determination of affordable housing income limits should be determined at the national level, rather than being defined as an additional condition in the SGEI at the EU level. There are major differences between Member States: for example, what constitutes a middle income in one Member State may constitute a high income in another. For this reason, it is not recommended that income limits be applied at EU level.

\* In your view, should affordable housing SGEIs contain mechanisms to ensure that income limits are consistently respected over time, so that changes in beneficiaries' income are adequately captured?

- ☒ Yes  
☐ No  
☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

In the NL, landlords (including housing corporations) have the option, to apply an income-dependent rent increase to social housing. This ensures that tenants with high incomes pay a rent that is higher and more in line with the current house and household incomes. Whether to apply a regular or an income-dependent rent increase is at the landlord's discretion and is not obligatory. The NL also encourages landlords to establish policies that facilitate households changing property, ensuring that they have a house that suits their income and their family size, and optimising the efficient use of the housing stock.

The results of the 2024 Housing Survey NL (Woon-2024) were published in April 2025. These results show, among other things, that 238,900 tenants (out of a total of 3,247,000 tenants) have an income that is no longer appropriate for social housing. This number had been decreasing for years, but the lack of availability in affordable housing is reducing circulation. This emphasizes the need for sufficient available affordable housing for the middle segment, so that every household can live in a house that suits their income.

While the NL supports legislation and policies that ensure optimal utilization of the housing stock, it believes that this must be defined at the national and local levels.

\* In your view, should access to affordable housing SGEIs be excluded for persons that already (co-) own residential property or land suitable for building?

- ☐ Yes
- ☒ Yes, under some circumstances
- ☐ No
- ☐ I don't know

\* Please specify under which circumstances

Affordable housing will be offered to population groups that cannot afford adequate housing in their region at standard market rates. As such, we do not consider owner-occupiers to be part of this group. Therefore, we intend to restrict owner-occupiers' access to affordable housing as much as possible, in line with the current policy for social housing. However, proportionality should be taken into account when introducing these kinds of criteria, as they can lead to significant administrative burdens.

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

Please see: <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/01/05/kamerbrief-over-het-toewijzen-van-corporatiewoningen>

\* Would you consider justifiable to prioritise the allocation of affordable housing SGEIs to certain groups with essential societal roles?

- ☒ Yes
- ☐ No
- ☐ I don't know

\* Please provide examples of such societal roles

*500 character(s) maximum*

Many households with socially relevant jobs, such as teachers, nurses and police officers, find that their current home and/or place of residence is no longer suitable. These households often have a middle-income and it is convenient or necessary for them to live close to work. In the NL, certain professional groups can be given priority. As prioritization of certain groups may differ from region to region, we believe this decision should be made at a local level.

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

## Prices for affordable housing SGEIs

In order to ensure that affordable housing SGEIs are truly accessible to those in need, setting price caps may be necessary to maintaining affordability. At the same time, introducing a minimum price level may also be justified to prevent excessive subsidies and ensure fair competition, which indirectly may also safeguard public budgets allocated to social housing. Against this background, the following questions explore appropriate pricing mechanisms that could be set for affordable housing SGEIs.

\* In your view, should affordable housing SGEIs envisage a maximum price for the renting or selling of housing?

- ☒ Yes  
☐ No  
☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

In the NL, social housing is subject to a maximum rental price. This forms the boundary between the regulated sector and the private rental sector. Certain rules apply to rental properties in the regulated segment. For instance, the rent cannot exceed the amount permitted by the point system for rental properties (also known as the housing rating system or WWS). In 2021, the Affordable Housing Programme announced a maximum price for regulation. To determine the exact level of the upper limit, the demand (need of middle-income households) and supply (the number of homes regulated at a given limit) were considered. The demand from middle-income earners fluctuates. It is important that the cap regulates enough homes to be effective, but not more than is necessary. If the limit is set too high, homes are unaffordable for some middle-income households are also regulated. Overall, it can be concluded that regulation at a higher upper limit is excessive.

The regulated segment consists of a low segment (housing for those on low incomes) and a middle segment (housing for those on middle incomes). The upper limit of the low-income segment is EUR 900,07 in 2025. The upper limit of the middle segment, as well as the liberalization limit, is EUR 1.184,82 in 2025.

The private rental sector contains independent properties with an initial rent above the liberalization limit at the time. It is not the case that the current rent of a property determines whether it is in the private or social rental sector. Landlords in the mid-market rental sector can include institutional investors (such as pension funds, insurance companies and investment firms), smaller commercial landlords and private individuals. Housing associations can also rent out housing above the liberalization limit without State aid. Under the new definition in the SGEI exemption decision, the maximum price for affordable housing would be in line with the Dutch liberalization limit.

\* In your view, should affordable housing SGEIs envisage a maximum price for the renting or selling of housing based on: [Multiple options possible]

- ☐ Household income  
☐ Market prices

- ☐ Costs incurred by housing providers (e.g. planning, construction, financing, managing costs)
- ☒ Other [please specify]
- ☐ I don't know

Please, specify

500 character(s) maximum

The maximum rent for each property is calculated using the WWS method. The scoring system takes into account the property's surface area, number of rooms, insulation, energy label, the presence of a balcony or garden, location and the 'WOZ'. The 'WOZ' is an approximate estimate of the property's value. It is also important to the NL that the applicant's household income matches the property's rental price. This means that the income should not be too high or too low.

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

/

\* In your view, should pricing limits for the renting or selling of housing in the framework of affordable housing SGEIs take into account other housing costs, such as energy costs or the energy-performance of the building?

- ☐ Yes
- ☒ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

As mentioned in response to the previous question, the maximum rent for housing is calculated using a point system. The energy label forms part of this calculation. The better the energy label, the more points the property receives and the higher the maximum rent can be. Properties with the three worst labels (E- F and G), receive minus points. This encourages landlords and social housing corporations to make their property more sustainable, enabling them to charge a higher rent. Consideration of energy performance should take place at a national level, rather than in the SGEI decision.

\* In your view, should a minimum price for affordable housing SGEIs be introduced to ensure that the SGEI compensation does not exceed what is necessary to ensure affordability for the beneficiary, thereby reducing market distortions, and at the same time provide financial sustainability for the housing provider?

- ☒ Yes
- ☐ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

In the NL, the minimum price for affordable housing would be the maximum price for social housing. Please see the response to question 7 for an explanation of the low-regulated segment and regulated middle segment.

In your view, how should the minimum price for selling or renting be determined? Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

In the NL, the minimum price of affordable housing is the upper limit of the low segment. Although the NL has a point system for calculating maximum rents, we do not intend to use this system to calculate minimum rents. In that case, properties, especially new builds, may have a rent that is higher than what is considered affordable for middle-income households. In many situations, the contracted rent is (far) below the maximum rent limit to ensure rent affordability for households. The NL considers that a minimum price for affordable housing should be set at a national level and should not be determined at EU level.

Do you have other suggestions on principles that could ensure the financial affordability of housing, while preventing excessive market distortions with prices that are too low compared to market prices? Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

/

---

## Minimum requirements for affordable housing SGEIs

---

In line with the definition of affordable housing proposed above, it seems essential that affordable housing meets basic standards of quality, safety, and energy performance. The following questions therefore address the minimum requirements that should be set for subsidised affordable housing SGEIs.

\* In your view, should minimum quality standards be set at Member State, regional and/or local level for affordable housing SGEIs (e.g. minimum surface area of the dwelling, heating and cooling, ventilation, energy infrastructure, sanitary facilities and water supply, stability of the building construction and fire safety, broadband readiness of the building)?

- ☐ Yes  
☒ No  
☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

Minimum quality standards should be set for all housing in general, including SGEI housing. In the NL, these standards are set out in the Housing Act ('Woningwet') and the Building Works Environment Decree ('Besluit bouwwerken leefomgeving'). The Energy Performance of Buildings Directive (EPBD IV) requires EU Member States to improve the energy performance of buildings. Article 9 in particular is likely to set national targets and measures to promote the sustainability of the entire existing housing stock, focusing on homes with the lowest energy performance. At the national level, this will result in the phase-out of the low energy labels (labels E, F and G). Minimum energy performance requirements for rental housing and utility buildings, such as schools and offices, will also be adjusted. By 1 January 2029, owners of rental properties with an energy label of E, F or G must ensure that their buildings are at least energy label D. Together, the EPBD IV Directive and the adjustment for the energy performance, will provide a framework for addressing the sustainability of existing housing. This framework covers all housing, not just SGEI. It is an important step towards meeting climate goals and reducing buildings' energy demand.

It is generally considered that, in order to ensure long-term affordability, subsidised housing should remain affordable for a sufficiently long period. In this context, please consider the following questions:

\* Rental housing: In your view, should affordable housing providers that receive SGEI compensation be required to offer the subsidised rental housing at affordable prices for a minimum duration?

- ☒ Yes, but I don't know an appropriate minimum duration
- ☐ Yes, for a minimum of 5 years
- ☐ Yes, for a minimum of 10 years
- ☐ Yes, for a minimum of 20 years
- ☐ Yes, for a minimum of 30 years or more
- ☐ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

The NL is investigating a similar form of State aid for the middle rental sector, which includes guaranteed loans for housing corporations. These loans carry favorable interest rates and terms of up to 50 years. If a housing corporation wishes to rent out SGEI housing at a price exceeding the permitted maximum according to the SGEI segment, they require authorization from the Housing Corporation Authority. This ensures that state-funded housing is intended for households with low (or, following the revision of the SGEI Decision, middle) incomes. In addition, efforts are also being made in the private sector to preserve social renting. Legislation is currently being drafted (the Public Housing Control Act) which will introduce a 25-year tenancy period for new social housing constructions by parties other than housing corporations.

\* In your view, should a minimum duration for affordable rental housing be defined at EU level?

- ☐ Yes, it should be defined at EU level
- ☒ No, it should not be defined at EU level
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

According to the NL a minimum should be set, but the EU Member States should have discretion over the minimum duration for affordable rental housing, as follows from Article 106 (1) TFEU.

\* Home ownership: In your view, should it be required that, once purchased, subsidised housing cannot be resold at market price/at a price beyond a certain limit or to households not meeting some eligibility requirements for a minimum duration in order to prevent its use for speculative purposes?

- ☒ Yes, but I don't know an appropriate minimum duration
- ☐ Yes, for a minimum of 5 years
- ☐ Yes, for a minimum of 10 years
- ☐ Yes, for a minimum of 20 years
- ☐ Yes, for a minimum of 30 years or more
- ☐ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

The preferred answer from the NL would be 'yes, for a maximum of 10 years. It is important to protect subsidized owner-occupied homes against speculation. It is undesirable for the entire subsidy to benefit only the first buyer. However, achieving this requires a careful balancing act between safeguarding public investment and intervening in property rights. Therefore, the newly proposed "Regulation of Public Housing Act (Wet regie op de volkshuisvesting) stipulates that affordable owner-occupied homes - defined as homes with a purchase price not exceeding the indexed upper limit as referred to in Article 1, paragraph 3, of the Housing Act 2014 - must have a maintenance period of at least one year and no more than ten years after being put into use. This must align with the definition of an owner-occupied home under the owner-occupied home tax regime.

\* In your view, should a minimum duration for affordable owner-occupied housing be defined at EU level?

- ☐ Yes, it should be defined at EU level
- ☒ No, it should not be defined at EU level
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

According to the NL the EU Member States should have discretion to decide on the minimum duration for affordable owner-occupied housing.

---

## Tenure type for affordable housing SGEIs

---

The choice of tenure type – rental housing or homeownership – can significantly impact the accessibility and long-term sustainability of affordable housing SGEIs. Rental housing is often more accessible, requiring less upfront investment, and can better adapt to changing economic and labour market conditions. On the other hand, homeownership provides long-term security and the potential for building equity, but it requires a higher initial investment and exposes individuals to financial risks, such as market downturns or foreclosure. The following question explores how these tenure types should be approached in the context of affordable housing SGEIs.

\* In your view, should affordable housing SGEIs prioritise certain tenure types? If so, which of the following should be favoured?

- ☐ Yes, and rental housing prioritised
- ☐ Yes, and homeownership prioritised
- ☒ No specific priority can be defined a priori
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

The choice of tenure type for which affordable housing should be prioritized depends on the EU Member State and cannot be determined at EU level. In the NL, for example, there is a particular shortage of mid-rent



housing, and the government is willing to grant State aid for this. As well as the shortage of affordable middle-rent housing, there is also a shortage of affordable owner-occupied housing for low and middle incomes in the big cities. EU Member States with a high diversity of housing problems and needs should be allowed to make of tenure type choices at the national level.

## Renovation or new construction for affordable housing SGEIs

Renovating existing buildings plays a crucial role in improving their habitability and energy efficiency. However, if not anchored in appropriate regulatory frameworks, it can at times result in unintended increases in housing prices. On the other hand, relying solely on new construction may not be enough to address current housing needs. The following question explores how affordable housing SGEIs could be best allocated between renovation of existing buildings and construction of new buildings.

\* In your view,

- ☐ Affordable housing SGEIs should prioritise renovation of existing buildings
- ☐ Affordable housing SGEIs should prioritise construction of new buildings
- ☒ No specific priority can be defined a priori
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

The needs and priorities regarding the construction of new buildings and/or the sustainability of existing buildings vary from one EU Member State to another. The form of State aid may also vary between EU Member States and also between projects (e.g. incentives for new construction and other aid instruments for existing construction). This is interpreted at the national level, and this flexibility is important. Whether the SGEI should be used for new construction or for making existing buildings energy efficient should not be decided at the EU level.

## Types of operators eligible for subsidised affordable housing

Housing systems in Member States typically fall into two categories: 'open' and 'closed' systems. In an 'open' system, funding is available to any housing provider meeting certain criteria, either through open access for all or a competitive tender process. A 'closed' system restricts funding to a selected group of entities, typically publicly owned or non-profit housing organisations that reinvest any profits back into the social housing sector. While there are reasons why the closed system for social housing can be functional, extending it to affordable housing could exclude private operators and significantly alter market dynamics. The following questions explore how these systems should be approached in the context of affordable housing SGEIs.

\* In your view, should the entrustment of affordable housing SGEIs be...

- ☐ Open to all housing providers (i.e. an "open" system)
- ☒ Restricted to selected entities such as public or non-profit providers (i.e. a "closed" system)
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

In the NL, social renting is an open system. Secured loans, a form of State aid, are only available to authorized institutions (housing corporations). Any association or foundation can apply to be admitted to the system. The Housing Corporation Authority (Aw) can grant full legal capacity to associations and foundations under national law, thereby admitting them as authorized institutions.. A foundation or association working in the field of public housing can be admitted if it meets a number of conditions. These admitted institutions, or housing corporations, are responsible for building, renting and managing affordable rental housing, particularly for households with lower- and middle-incomes. Research published by Aedes and produced by Ortec Finance from March 2024 showed that if State aid through guaranteed loans is allowed for middle rental as well, housing corporations could increase to 67,400 middle rental homes by 2030 (50.000 middle rental homes as agreed in the National Performance Agreements of 2022-2024) instead of 26,000 middle rental homes with the current funding.

Because of the public, social legislative task of the housing corporations, the NL considers that the affordable housing SGEI should be entrusted to selected entities such as public or non-profit providers.

## Amount of compensation limit for affordable housing SGEIs

Member States can currently finance social housing measures under the SGEI Decision without any compensation limit (i.e., maximum amount of State aid that can be granted by a Member State for the provision of an SGEI), as long as a housing support measure meets the definition of social housing laid down in the SGEI Decision. The planned addition of a new affordable housing category to the SGEI Decision poses the question of whether the same approach should be followed for affordable housing measures and result in Member States being able to support affordable housing under similarly flexible conditions. However, affordable housing is much closer to market than social housing and the risk of market distortions is therefore higher. State aid rules could therefore impose a maximum compensation limit for affordable housing measures.

\* In your view, should there be a maximum compensation amount for affordable housing SGEIs? And if so, what should the maximum compensation apply to?

- ☐ Yes, and it should apply to maximum amount per project
- ☐ Yes, and it should apply to maximum amount per year
- ☐ Yes, and it should apply to maximum amount per square metre
- ☐ Yes, but I don't know how it should apply
- ☒ No, there should not be a maximum compensation
- ☐ I don't know
- ☐ Other [please specify]

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

2000 character(s) maximum

According to the NL, the compensation would be based societal need, and the amount of State aid is already restricted by the principle that overcompensation is not allowed. Therefore, the additional category for affordable housing would have to be applied in the same way as social housing.

\* For Member States: Are there any planned or existing affordable housing measures in your Member State?

- ☒ Yes  
☐ No  
☐ I don't know

For Member States: If so, what is the maximum annual budget for the measure with the biggest budget?  
Please provide a budget figure and a brief description of the measure.

*2000 character(s) maximum*

As the EC is aware, the 'Dreven, garden, Zichten' project is an example of the mixed housing project with social and affordable housing. The NL is currently working on incorporating affordable housing into national legislation.

## Other changes to the SGEI rules

In addition to changes related to social and affordable housing, the Commission envisages the possibility to make additional changes to the SGEI Decision to ensure that the rules are up to date.

\* Article 2(1)(a) of the SGEI Decision limits compensation for the provision of services of general economic interest in areas other than transport and transport infrastructure to an annual amount of EUR 15 million. SGEIs in sectors that are not covered by Article 2(1)(b) to Article 2(1)(e) are therefore subject to this limit. The Commission considers that it could be appropriate to also update the SGEI Decision threshold. Should the EUR 15 million limit be increased?

- ☒ Yes, the limit should be increased in line with inflation  
☐ Yes, the limit should be increased but not in line with inflation [please, specify]  
☐ No  
☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

According to the NL, an increase in the annual amount of EUR 15 million in line with inflation is reasonable. For affordable housing, the NL is aiming for an addition in Article 2(1)(c), which currently covers social housing.

\* Article 9 of the SGEI Decision imposes a biennial reporting obligation on Member States. The reports include a detailed overview of the application of the SGEI Decision for the different categories of services referred to in Article 2(1) of the SGEI Decision. Some Member States have raised concerns that the administrative burden of the reporting obligation is excessive. Should the reporting obligations be modified?

- ☐ The reporting obligations should be removed  
☒ The reporting obligations should be simplified  
☐ The reporting obligations should not be modified

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

In terms of reducing administrative burdens, the NL considers it important to examine whether the SGEI reporting obligations could be simplified or even removed entirely. For instance, the NL is questioning whether a national publication of the SGEI would suffice.

The current reporting obligations under the SGEI Exemption Decision – in addition to the annual State aid reporting for the State Aid Scoreboard - place a significant administrative burden on local and regional governments. Simplifying the reporting process would enable these governments to focus more effectively on their core mission of providing affordable, high-quality services to citizens, particularly in areas such as social services and housing. Moreover, smaller-scale SGEI measures often involve limited financial amounts and pose minimal risk of market distortion, meaning the existing level of scrutiny may be disproportionate to the potential impact.

A more streamlined and proportionate reporting framework would improve efficiency, reduce unnecessary bureaucracy, and increase compliance by clarifying and simplifying the rules. It would also promote better alignment between EU policy goals and local implementation, thereby strengthening the overall legitimacy and effectiveness of State aid control in the area of public services.

\* Article 4(f) of the SGEI Decision stipulates that an act (or acts) used by Member States to entrust an SGEI to an undertaking (so-called “entrustment act”) shall include a reference to the SGEI Decision. This requirement aims at ensuring transparency but may result in measures meeting all other compatibility criteria under the SGEI Decision being incompatible because the SGEI Decision is not mentioned in the entrustment act. In your view, should this requirement be removed from the SGEI Decision?

- ☐ Yes
- ☒ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

Referring to the SGEI Decision is important for ensuring transparency and providing an overview of measures based on it. At the same time, we would not object to deleting the requirement.

\* In March 2025, the Commission proposed the Critical Medicines Act (CMA) which aims at improving the availability, supply and production of critical medicines within the EU. In addition to the CMA, the Commission published the Guidance on the application of State aid rules in the context of the Critical Medicines Act, which aims at facilitating the funding of strategic projects ensuring the security of supply of critical medicines. This Guidance promotes the use of SGEI rules to support critical medicines. Pursuant to section IV.A of the Guidance, funding measures that constitute State aid can be granted by Member States for the implementation of strategic projects, ensuring the security of supply of critical medicines in the EU, under the SGEI Decision. In your view, should the SGEI Decision be amended to facilitate financing for the implementation of such projects, as defined in the Critical Medicines Act?

- ☐ Yes
- ☒ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

From the Guidance on the application of State aid rules in the context of the CMA it seems that there are already possibilities of financing the production of critical medicines to increase the manufacturing capacity for a critical medicine, under the SGEI Decision. The NL would appreciate to receive further information on the types of activities, such as CAPEX and OPEX of production, that can be financed under the different State aid frameworks, including the SGEI.

\* Are there any other elements of the SGEI Decision that should be modified or updated?

- ☐ Yes [please, specify]
- ☒ No
- ☐ I don't know

Please substantiate your reply and submit any data/information/study etc. you may have in this regard.

*2000 character(s) maximum*

/

## Contact

[Contact Form](#)

## Introduction

The Netherlands welcomes the idea of a Data Union Strategy. European cooperation towards a mature data economy and society is necessary for improving our competitiveness, supporting our shared values and fostering our digital strategic autonomy. As an active participant in the discussion on the European Data Strategy, its legislative framework, and in (sectoral) data-sharing initiatives, the Netherlands welcome continued efforts to strengthen the European data economy and society.

In order to achieve this, the Netherlands believes we need to 1) **Streamline existing data regulations**, while **respecting the timeframe of proper implementation and evaluation** of such regulations, 2) **Invest in creating self-sustainable revenue models** for data sharing initiatives, 3) **Stimulate the reuse of public sector information** 4) Strengthen **the European Data Innovation Board**, and prevent overlapping structures in European Data Governance, 5) **Create a single regime on international data sharing**, preventing fragmented international data flow regulations and an increased administrative burden for companies, public authorities and organizations operating internationally.

### The importance of a strong and mature data economy and society in the European Union

The Netherlands believes a strong European data economy can have enormous benefits. Our member states face significant challenges in areas such as healthcare, education, energy transition, mobility, logistics, housing, and public services. Data sharing plays a crucial role in addressing, monitoring, and anticipating these societal challenges.

The Netherlands is deeply embedded in the data economy and strongly advocates for the ideas of the **European Data Strategy**, and its legislative instruments like the **Open Data Directive (ODD)**, the **Data Governance Act (DGA)** and the **Data Act (DA)** - all important for fostering trust in (re)using data across countries and sectors. This trust is indispensable for facilitating seamless data sharing, which in turn fuels innovation, enhances competitiveness, and strengthens the EU's strategic autonomy in the global digital arena. To build upon these efforts, the Netherlands recommends the following input on the Data Union Strategy:

#### **1. Streamline existing data regulations, while respecting the timeframe of proper implementation and evaluation of such regulations**

The EU's regulatory landscape for data is comprehensive. The Netherlands acknowledges that the possible inconsistencies between these regulations may come with administrative and compliance-based challenges, hindering their effectiveness. We therefore welcome a streamlining effort. However, given that two of these regulations aimed at creating opportunities for improving Europe's competitiveness, the DA and DGA, have only recently come or are yet to come into force, we would like to stress the importance of proper implementation and evaluation before altering the material provisions in these acts. This ensures that the core principles of data protection and fair competition are not compromised. Parallel, more guidance on the interrelation between the ODD, DGA, DA with the GDPR is needed.

## **2. Invest in creating self-sustainable revenue models for data sharing initiatives**

For European data spaces to flourish and become integral to the digital economy, they must have long term financial viability. The Netherlands emphasizes the need to explore and establish diverse, innovative, and self-sustaining revenue models for existing initiatives, before exploring additional mechanisms for public financial support. This could involve, for instance, premium services, data product development, or shared cost models, ensuring that data sharing initiatives can continue to grow, innovate, and provide value without perpetual external public funding from the EU or member states.<sup>1</sup> The Netherlands believes the focus on economic sustainability will attract more private investment and ensures the longevity of critical data infrastructures, ultimately bolstering Europe's data sovereignty and competitiveness, and therefore contributing to the maturity of the European data economy and society.

## **3. Stimulate the reuse of public sector information**

To unlock the full potential of public sector information (PSI), the European Commission must focus on actively promoting its reuse. Simply publishing data is not enough. Without encouraging and supporting reuse, PSI remains underutilized, limiting innovation and the realization of economic and social benefits.

For effective publication, clearer harmonized licensing, formats, and technical standards across the EU are needed to ensure consistency and quality. This can only be achieved if high standards of anonymisation and legal protection for citizens and companies are ensured. PSI should also be made AI-ready by structuring, standardizing, and enriching datasets, with strong alignment to GDPR to cohere data reuse with the protection of privacy and provide practical, trust-building guidance for secure, compliant data sharing.

On the reuse side, it is essential to foster collaboration and provide resources that help non-expert users understand, access, and leverage PSI effectively, maximizing its societal impact. This includes offering capacity-building initiatives such as training and workshops to equip both public sector staff and external users with the skills needed for reuse, as well as creating incentives and support programs that encourage innovation and the development of value-added services based on PSI.

## **4. Strengthen the European Data Innovation Board, and prevent overlapping structure in European Data Governance**

Effective governance is the bedrock of a trustworthy and efficient data economy and society. Herein, the European Data Innovation Board (EDIB) should play an important role. The EDIB should be better aligned with the activities of BEREC. Furthermore, it is important to provide the necessary financial and administrative support so the EDIB can fulfill its mandate as set out in the DA and DGA. Crucially, this involves preventing the proliferation of overlapping or redundant governance structures. With new digital legislation, various new European governance structures have been established. A streamlined and coherent governance framework could increase

---

<sup>1</sup> [Sustainable Revenue Models for Data Sharing Initiatives | Report | Government.nl](#)

effectiveness, minimize administrative burden, reduce fragmentation, and provide clarity for all stakeholders - thereby accelerating innovation and trust in data sharing.

**5. Create a single regime on international data sharing, provide clear guidelines and prevent fragmented data flow regulations.**

In an increasingly interconnected global economy, predictable and clear rules for international data sharing and storage are becoming increasingly important. The economic costs of fragmented data flow regulations are significant. It is therefore important to strike a balance between the economic costs of fragmented data regulation and the trust benefits of data safeguards. The Netherlands asks for clearer guidelines for companies, public authorities and other organizations operating internationally on the provisions on international data flows and storage in the DGA, DA and GDPR, and their interrelation. The risks of international data transfer, including third-country surveillance and dependency on non-EU platforms and cloud providers, should be better addressed.

The Netherlands believes the GDPR's adequacy decisions framework offer a strong foundation to build upon. Expanding this approach to include safeguards for non-personal data has the potential to decrease the administrative burden while simultaneously taking into account the mixed nature of most datasets. Preventing fragmentation by providing clear international data-sharing guidelines will hence aid the scope and value of the European data economy and society.



Aan de Minister van Economische Zaken

Directie Europese en  
Internationale Zaken

Akkoord.

nota  
TER BESLISSING

Beslisnota Rapportage ministerie EZ  
wetgevingsonderhandelingen en raadplegingen  
EU tweede kwartaal 2025

Datum

31 juli 2025

Kenmerk

DEIZ / 100340382

RT-0000115853

Kopie aan

Bijlage(n)

7

Parafenroute

[Redacted signature area]

### Aanleiding

Elk vakdepartement brengt periodiek de Eerste en Tweede Kamer op de hoogte van de lopende EU-wetgevingsonderhandelingen en de reacties op raadplegingen van de Europese Commissie. Dit is conform de afspraken met de Kamers over EU-informatievoorziening. U informeert met de bijgaande brieven beide Kamers over de stand van zaken betreffende EU-wetgevingsonderhandelingen en de EU-raadplegingen op het beleidsterrein van Economische Zaken (EZ) in het tweede kwartaal van 2025 (waarbij de maand juli aan het tweede kwartaal is toegevoegd vanwege het zomerreces). Met deze brieven stuurt u conform de afspraken een afschrift van de Nederlandse inbreng op drie EU-raadplegingen als bijlage mee.

### Geadviseerd besluit

U kunt akkoord gaan met de bijgevoegde brieven aan de Eerste en Tweede Kamer en deze ondertekenen.

### Kernpunten

#### Overzicht EU-wetgevingsonderhandelingen.

Ten opzichte van het eerste kwartaal van 2025 zijn de volgende voorstellen door de Commissie gepubliceerd en worden deze besproken op ambtelijk EU-niveau in het Raadskader:

- Europees Fonds voor Regionale Ontwikkeling (EFRO) met inbegrip van Europese Territoriale Samenwerking (Interreg) en het Cohesiefonds 2028-2034
- Horizon Europe 2028-2034
- Europese Concurrentiekrachtfonds (ECF)
- Verordening tot vaststelling van het ruimtevaartprogramma van de Unie, tot oprichting van het Agentschap van de Europese Unie voor het ruimtevaartprogramma en tot wijziging van enkele verordeningen

Ontvangen BBR

- Wijziging van verordeningen om bepaalde steunmaatregelen voor het mkb uit te breiden naar small mid-cap ondernemingen en aanvullende vereenvoudigingsmaatregelen
- Wijziging van verordeningen voor de digitalisering van productinformatie en gemeenschappelijke specificaties
- Herziening EU-verordeningen ter stimulering van defensie-gerelateerde investeringen ter uitvoering van het ReArm Europe Plan

Ten opzichte van het eerste kwartaal van 2025 is een Algemene Oriëntatie (Raadspositie) bereikt op het volgende voorstel:

- FDI-verordening

Ten opzichte van het eerste kwartaal van 2025 is het volgende voorstel in de triloofase belandt:

- Omnibus InvestEU

Ten opzichte van het eerste kwartaal van 2025 zijn voor de volgende voorstellen de trilogen afgerond maar zijn de voorstellen nog niet procedureel afgerond:

- Verordening betreffende Europese statistieken over bevolking en huisvesting
- Mid-term review cohesiebeleid
- Verordening dwanglicenties voor crisisbeheersing

Ten opzichte van het eerste kwartaal van 2025 zijn de volgende voorstellen gepubliceerd en daarmee afgerond:

- Herziening verordeningen cohesiebeleid (RESTORE)
- Verordening betreffende arbeidsmarktstatistieken
- Herziening voor het gebruik van digitale tools voor handelsregisters

Ten opzichte van het eerste kwartaal van 2025 zijn de volgende voorstellen door de Commissie ingetrokken:

- Verordening inzake standaard essentiële octrooien
- Privacy Verordening Herziening ePrivacy richtlijn

Het is gebruikelijk om bij de voortgangsrapportage niet in te gaan op de inhoudelijke beoordeling van de voorstellen. Hierover wordt de Kamer separaat geïnformeerd via BNC-fiches, geannoteerde agenda's en verslagen van Raden.

#### EU-raadplegingen

Door EZ is er in het tweede kwartaal van 2025 op de volgende EU-raadplegingen gereageerd:

- Data Unie Strategie
- Herziening van de staatssteunregels voor diensten van algemeen economisch belang, in het bijzonder op het gebied van huisvesting
- Verordening Cloud en AI ontwikkeling

Deze consultatiereacties vindt u bijgevoegd.

De reacties op EU-raadplegingen zijn voorafgaand aan verzending aan u ter goedkeuring voorgelegd.