

## **ECIS commends the co-legislators on reaching an agreement on the Data Act**

ECIS commends the co-legislators on their achievement in reaching an agreement on harmonised rules on fair access to and use of data (Data Act). This legislative instrument comes at a crucial time and is a welcome addition to the European Commission's data strategy, aiming to foster a fairer, more open, and transparent approach to data portability

For over 30 years, ECIS has been dedicated to promoting better interoperability between software systems and data sets. We believe that the cloud switching and porting obligations introduced by the Data Act will play a significant role in preventing vendor lock-in and fostering a competitive cloud market that meets the needs of EU customers.

We endorse the changes made by the negotiating parties to Chapters VI (cloud switching) and VIII (interoperability), which provide clarity on the scope and extent of the switching and porting obligations. The inclusion of definitions on functional equivalence and exportable data enhances legal certainty for all stakeholders involved. Additionally, the amendments clarify the obligations of cloud service providers and address technical aspects of switching, ensuring a robust framework for effective cloud transitions.

We are pleased to see the recognition of the importance of clearly attributing responsibilities among the parties involved in cloud switching. This acknowledgment reflects the complex reality of how companies utilize cloud services and the variations among providers. The successful transition of cloud services requires active participation and collaboration from all parties.

Finally, ECIS welcomes the recognition of international and open standards as catalysts for innovation, interoperability, and switching. We believe that the wide adoption of genuine open standards, open formats, and open and transparent technical specifications is crucial for creating a healthy competitive cloud environment in Europe. If implemented correctly, the Data Act will further drive the adoption of open standards and open-source solutions, ultimately leading to a more competitive market in cloud computing.

### ***About ECIS***

*ECIS is an international, non-profit association of information technology companies founded in 1989 which endeavours to promote a favourable environment for interoperable ICT solutions. For three decades ECIS has actively represented its members on issues relating to interoperability and competition before European, international and national fora, including the EU institutions and WIPO. ECIS' members include both large and small information and communications technology hardware and software providers, including IBM, McAfee/Trellix, Oracle, and Red Hat.*