

_RESPONSE TO THE EC CONSULTATION ON THE CLOUD AND AI DEVELOPMENT ACT

Introduction

Open Future welcomes the opportunity to contribute to the European Commission's consultation on the forthcoming Cloud and AI Development Act. We share the Commission's objective to strengthen Europe's computational capacity and digital sovereignty, and agree that investment in infrastructure is a strategic priority. In our response, we focus on two core elements of the initiative that intersect with our work: public procurement and sustainability.

Both are essential levers not only for meeting Europe's digital infrastructure needs, but also for ensuring that the resulting systems reflect democratic values, support open and competitive ecosystems, and align with Europe's long-term climate and social goals.

1. Procurement: A Strategic Lever for Sovereign, Open Infrastructure

Public procurement is one of the most powerful instruments available to the EU to shape its digital future. The Cloud and AI Development Act provides an important opportunity to embed sovereignty, openness, and interoperability as criteria in infrastructure investment decisions – especially when public funds are used.

We urge the Commission to ensure that all infrastructure funded or procured under this initiative prioritizes open and interoperable providers, particularly in the cloud services layer where concentration among foreign hyperscalers poses a structural threat to autonomy and innovation.

Proposals for consideration:

- **Prioritize open, interoperable and sovereign providers:** Procurement should prioritize cloud providers that are headquartered in the EU and governed by EU law, but more importantly, those that demonstrate commitment to interoperability (including data portability), openness (such as support for open standards and open source technologies), and embed transparency and democratic governance into their operations.
- **Avoid reinforcing extractive or monopolistic models:** Criteria should discourage procurement from providers whose business models depend on lock-in, bundling, or opaque pricing. Instead, support alternatives that increase market diversity and user agency (e.g., by facilitating data portability).

- Use procurement to support digital commons: Open source software and community-maintained infrastructures should be treated as viable providers of public digital infrastructure particularly when serving community-specific needs and where hyper-scaler solutions are unnecessary and overly complex. While not all community-driven projects are suitable for every use case, procurement frameworks should allow for their inclusion when they meet functional, security, and governance criteria, rather than defaulting automatically to proprietary or hyperscaler-managed services.
- Apply structural safeguards: Where cloud services are procured, rules should ensure functional separation between infrastructure providers and application-layer services, to prevent vertical integration and dominance over adjacent markets.

We echo the Commission's recognition of the need to serve "highly critical use cases," but caution that this category should not be overly narrow or become an excuse for closed, proprietary procurement. Many public-interest services – from education to journalism to healthcare – depend on trustworthy digital infrastructure. Their needs should be part of the broader sovereign cloud strategy.

2. Sustainability: Making Sovereign Infrastructure Climate-Responsible

The initiative rightly highlights environmental sustainability as a core goal, but the framing in the roadmap remains narrowly focused on efficiency and innovation. In our view, a truly sustainable approach to digital infrastructure must go further – by embedding accountability, transparency, and climate alignment into the entire lifecycle of data centres and computational resources. This will be crucial to ensure that AI and other cloud based technologies [stay within planetary boundaries](#).

Proposals for consideration:

- Mandate transparency on energy, water, and material use: All facilities supported by the Act should publicly disclose their projected and actual environmental impacts, including energy mix (location-based, not certificate-based), water usage, and material footprint. This is essential for public accountability and for aligning with the EU's climate goals.
- Link investment to climate targets: Infrastructure expansion must be consistent with binding targets such as the 2030 goal for climate-neutral data centers. Efficiency gains alone are insufficient; rebound effects must be addressed, and absolute environmental limits respected.
- Strengthen ecodesign requirements: The strategy should anticipate the inclusion of data centers in the Ecodesign for Sustainable Products Regulation and support circularity, material efficiency, and long-term sustainability – not just energy performance.
- Incentivise distributed, energy-conscious design: Geographic concentration of data centres should be avoided. Locally governed, resource-efficient, and community-compatible

deployments should be prioritized, especially where grid capacity, water availability, and environmental resilience are at risk.

- Include community participation: The planning of new data infrastructure must ensure meaningful public participation and local impact assessment, in line with the Aarhus Convention and the Environmental Impact Assessment Directive.

The sustainability goals of this initiative cannot be delegated solely to industry. If public funds and policy are shaping Europe's digital infrastructure, then sustainability must be treated as a public responsibility, integrated from the outset and governed with transparency and enforceable standards.

3. Regulatory Alignment: Embedding Sustainability and Public Value

The sustainability and public value conditionalities outlined above should not be left to voluntary measures or fragmented national strategies. We believe that a coherent and effective response to the EU's cloud infrastructure challenges requires a common regulatory framework.

In this respect, we support Option 3 from the Call for Evidence for an Impact Assessment: a Regulation that defines a baseline set of binding measures applicable across all Member States. This approach would help prevent further fragmentation of cloud policy, avoid regulatory arbitrage, and create legal certainty for both public and private actors investing in sustainable infrastructure.

Specifically, a regulatory framework should:

- Set minimum sustainability standards for data center construction and operation, aligned with EU climate goals and environmental legislation;
- Define clear procurement criteria to ensure public funds support open, interoperable, and non-extractive cloud infrastructure that prevents vendor lock-in and encourages competition and resilience
- Ensure transparent reporting on energy use, water consumption, and carbon intensity, with harmonized indicators and audit mechanisms;

Without such common rules, there is a risk that infrastructure investment will default to short-term efficiency at the expense of long-term resilience, climate responsibility, and digital sovereignty. A regulation provides the necessary coordination and ambition to ensure that Europe's cloud and AI infrastructure is not only competitive, but aligned with the public interest.

4. Toward Public, Sustainable Digital Infrastructure

Public investment in cloud and AI infrastructure must not reproduce the extractive logics that Europe seeks to overcome – whether through economic dependency on hyperscalers or

ecological strain on energy, water, and land. Sovereignty and sustainability are not separate tracks: they are mutually reinforcing. An infrastructure system is not sovereign if it relies on monopolistic suppliers or exhausts the local ecosystems and communities in which it is embedded.

This is why procurement and sustainability must be addressed together. Europe needs cloud and AI infrastructure that is open in design, accountable in governance, and responsible in its environmental footprint.

Open Future stands ready to support this process and contribute to a policy framework that ensures Europe's cloud and AI infrastructure is sovereign, sustainable, and in the public interest.



ABOUT OPEN FUTURE

[Open Future](#) (TR: [936143941653-07](#)) is a European think tank that develops new approaches to an open internet that maximize societal benefits of shared data, knowledge and culture.