

**Question for written answer E-001753/2018
to the Commission**
Rule 130
Rachida Dati (PPE)

Subject: Electronic evidence and the CLOUD Act in the United States

The Commissioner for Justice, Consumers and Gender Equality announced the forthcoming publication, on 17 April 2018, of a legislative proposal on electronic evidence.

At the same time in the United States, a bill clarifying the legal use of data abroad, or the CLOUD Act, was submitted to Congress on 6 February 2018. The bill would make it possible for the US authorities to conclude bilateral agreements, which would allow US service providers to provide data to a foreign partner government outside the mutual legal assistance procedure.

However, the absence of a common agreement between the European Union and the United States could give rise to provisions that diverge from one Member State to another, which would fragment the European area and be counterproductive. Some Member States are already negotiating bilateral agreements with the United States.

Legislation on electronic evidence is an indispensable step in the fight against cross-border crime and terrorism. It is therefore necessary for the Union and the United States to cooperate closely on this issue.

In this connection, what negotiating leverage will the Commission be using to convince the United States to sign a European agreement rather than bilateral agreements with the Member States?