



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2013/2063(INI)

11.6.2013

AMENDMENTS

1 - 54

Draft opinion
Judith Sargentini
(PE504.203v01-00)

Unleashing the Potential of Cloud Computing in Europe
(2013/2063(INI))

AM\939502EN.doc

PE513.269v01-00

EN

United in diversity

EN

AM_Com_NonLegOpinion

Amendment 1
Judith Sargentini

Draft opinion
Paragraph 1

Draft opinion

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it entails significant risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Amendment

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it entails significant risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions, ***whether they are caused by malfunction, malpractice, criminal action, or in case of hostile action by another country;***

Or. en

Amendment 2
Axel Voss

Draft opinion
Paragraph 1

Draft opinion

1. Reiterates that ***notwithstanding*** the potential ***and benefits*** of ‘cloud computing’ for businesses, citizens and the public sector, it entails significant risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Amendment

1. Reiterates that ***alongside*** the ***innovative*** potential of ‘cloud computing’ ***and its benefits*** for businesses, citizens and the public sector, it ***potentially*** entails significant risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Or. de

Amendment 3
Kyriacos Triantaphyllides

**Draft opinion
Paragraph 1**

Draft opinion

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it entails significant risks and challenges, **particularly** for fundamental rights **and** by increasing impact in case of disruptions;

Amendment

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, **mainly in terms of cost reduction**, it entails significant risks and challenges for fundamental rights, **specific risks for privacy and data protection which require scrutiny and appropriate safeguards; it also entails significant risks** by increasing impact in case of disruptions;

Or. en

**Amendment 4
Birgit Sippel**

**Draft opinion
Paragraph 1**

Draft opinion

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it entails significant risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Amendment

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it entails significant risks and challenges, particularly for fundamental rights, **and in particular for the right to privacy and the protection of personal data**, and by increasing impact in case of disruptions;

Or. en

**Amendment 5
Ágnes Hankiss**

**Draft opinion
Paragraph 1**

Draft opinion

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens **and** the public sector, it entails significant risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Amendment

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens, the public sector **and the environment**, it entails significant risks and challenges, particularly for fundamental rights (**especially data protection, privacy**) and by increasing impact in case of disruptions;

Or. en

Amendment 6
Marco Scurria

Draft opinion
Paragraph 1

Draft opinion

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it entails **significant** risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Amendment

1. Reiterates that notwithstanding the potential and benefits of ‘cloud computing’ for businesses, citizens and the public sector, it **also** entails risks and challenges, particularly for fundamental rights and by increasing impact in case of disruptions;

Or. it

Amendment 7
Birgit Sippel

Draft opinion
Paragraph 1 a (new)

Draft opinion

1a. Takes the view that access to a safe Internet is a fundamental right of every citizen and that 'cloud computing' will continue to play an important role in this

Amendment

aspect; reiterates, therefore, its call on the Commission and on the Council to unequivocally recognise digital freedoms as fundamental rights and as indispensable prerequisites for enjoying universal human rights;

Or. en

Amendment 8
Birgit Sippel

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Reiterates that, as a general rule, the level of data protection in a 'cloud computing' environment must not be inferior to that required in any other data-processing context;

Or. en

Amendment 9
Judith Sargentini

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Stresses that EU data protection law fully applies to cloud computing services operating in the EU and *thus* must be *fully* respected;

2. Stresses that EU data protection law fully applies to cloud computing services operating in the EU and must be respected; *considers that not all sensitive data are personal data and urges the Commission to propose guidelines to protect non-personal sensitive data in a cloud context, particularly in the case of government data and of data from organizations such as banks, insurance companies, pension funds schools and hospitals;*

Amendment 10
Birgit Sippel

Draft opinion
Paragraph 2

Draft opinion

2. Stresses that EU data protection law fully applies to cloud computing services operating in the EU and thus must be fully respected;

Amendment

2. Stresses that EU data protection law ***already*** fully applies to cloud computing services operating in the EU and thus must be fully respected; ***explicitly welcomes the fact that in Article 3(2) of its proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) the Commission proposes that the territorial scope of EU data protection law should be extended to cover controllers not established in the Union where such controllers offer goods and services to data subjects in the Union; points out, however, that many cloud computing services established outside the EU are aimed specifically at legal persons, who would not be covered if this definition were to be interpreted restrictively;***

Amendment 11
Kyriacos Triantaphyllides

Draft opinion
Paragraph 2

Draft opinion

2. Stresses that EU data protection law

Amendment

2. Stresses that EU data protection law

fully applies to cloud computing services operating in the EU and thus must be fully respected;

fully applies to cloud computing services operating in the EU and thus must be fully respected; ***stresses that the opinion by the WP29 on Cloud Computing should be taken into account as it provides guidance for the application of the principles and rules in the EU data protection law in the cloud environment; taking into account the specificities of cloud computing services, calls on the WP29 to issue such an opinion when the amended EU data protection legislation is adopted in order to provide clarifications and further guidance; calls on the EDPS to identify possible gaps in the future EU data protection legislation with regard cloud computing in order to address them;***

Or. en

Amendment 12
Ágnes Hankiss

Draft opinion
Paragraph 2

Draft opinion

2. Stresses that EU data protection law fully applies to cloud computing services operating in the EU and thus must be fully respected;

Amendment

2. Stresses that EU data protection law fully applies to cloud computing services operating in the EU and thus must be fully respected; ***recommends the full harmonisation of data protection rules across the EU in the review of the Data Protection Directive by addressing gaps related to cloud computing in other EU legislation;***

Or. en

Amendment 13
Judith Sargentini

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Recalls that, where a cloud provider uses the data for a purpose other than the purpose agreed on the service agreement, or communicates them or uses them in a way contrary to the terms of the contract, he should be considered data controller and should be held liable for the infringements and breaches incurred;

Or. en

Amendment 14
Judith Sargentini

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Stresses that cloud services agreements must set out the duties and rights of the parties concerning data processing activities by cloud providers, on a basis of respect for EU data protection law;

3. Stresses that cloud services agreements must set out the duties and rights of the parties concerning data processing activities by cloud providers, on a basis of respect for EU data protection law; ***urges the Commission to come forward with proposals to restore the balance between cloud service providers and their customers as regards the terms and conditions used by cloud services, including:***

1. provisions ensuring protection against arbitrary cancellation of services and deletion of data;

2. guaranteeing a reasonable chance for the customer to recover stored data in case of cancellation of service and/ or removal of data;

3. providing clear guidelines for the cloud providers to facilitate the easy migration

of their customers to other services;

Or. en

Amendment 15
Georgios Papanikolaou, Mariya Gabriel

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that cloud services agreements must set out the duties and rights of the parties concerning data processing activities by cloud providers, on a basis of respect for EU data protection law;

Amendment

3. Stresses that cloud services agreements must set out the duties and rights of the parties concerning data processing activities by cloud providers ***in a clear and transparent manner***, on a basis of respect for EU data protection law;

Or. en

Amendment 16
Judith Sargentini

Draft opinion
Paragraph 3

Draft opinion

3. Stresses that cloud services agreements must set out the duties and rights of the parties concerning data processing activities by cloud providers, on a basis of respect for EU data protection law;

Amendment

3. Stresses that cloud services agreements must set out the duties and rights of the parties concerning data processing activities by cloud providers, on a basis of respect for EU data protection law; ***recommends that full account be taken of Article 29 of the Working Party Opinion on cloud computing¹***;

¹ WP 196, available at:
http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2012/wp196_en.pdf

Amendment 17
Ágnes Hankiss

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Highlights that the role of the cloud service provider under the current EU legislation needs to be determined on a case-by-case basis, as providers can be both data processors and data controllers; urges improvement of the terms and conditions for all users by developing international best practice models for contracts and by clarifying where the service provider stores data and under which area of law within the EU;

Or. en

Amendment 18
Judith Sargentini

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Highlights that particular attention must be given to those situations where the imbalance in the contractual situation between the customer and the cloud provider leads the customer to enter into contractual arrangements imposing standard services and contract to be signed, in which the provider defines the purposes, conditions, means of the processing¹; in such circumstances, the cloud provider shall be considered "data controller" and becomes jointly liable

with the customer;

¹ *Particularly in the case of consumers and SMEs using cloud services.*

Or. en

Amendment 19
Judith Sargentini

Draft opinion
Paragraph 4

Draft opinion

4. Stresses that the use of cloud services by public authorities requires special consideration; ***emphasises that*** data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; ***stresses that*** this also applies to specific processing activities by ***certain*** non-governmental services such as banks, insurance companies, schools and hospitals;

Amendment

4. Stresses that the use of cloud services by public authorities requires special consideration; data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; this also applies to specific processing activities by ***some*** non-governmental services, such as banks, insurance companies, schools and hospitals; ***urges the Commission to propose guidelines for these organisations to follow when using cloud services to process, transmit or store their data, including the adoption of open standards to prevent vendor lock-in and a preference for open source software to improve transparency and accountability of the services used;***

Or. en

Amendment 20
Georgios Papanikolaou

Draft opinion
Paragraph 4

Draft opinion

4. Stresses that the use of cloud services by public authorities requires special consideration; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;

Amendment

4. Stresses that the use of cloud services by public authorities requires special consideration; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services ***which have access to personal data***, such as banks, insurance companies, schools and hospitals;

Or. en

Amendment 21
Axel Voss

Draft opinion
Paragraph 4

Draft opinion

4. Stresses that the use of cloud services by public authorities requires special consideration; ***emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;***

Amendment

4. Stresses that the use of cloud services by public authorities requires special consideration ***on account of the sensitive nature of the data stored in this way;***

Or. de

Amendment 22
Birgit Sippel

Draft opinion
Paragraph 4

Draft opinion

4. Stresses that the use of cloud services by public authorities requires special consideration; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;

Amendment

4. Stresses that the use of cloud services by public authorities, ***including EU institutions***, requires special consideration, ***especially yet not exclusively when sensitive data are being processed***; emphasises that data integrity and security must be guaranteed and unauthorised access, including by ***law enforcement authorities or*** foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals; ***stresses, furthermore, that all of the aforementioned is of particular importance if data is being transferred between different jurisdictions; therefore takes the view that public authorities as well as non-governmental services and the private sector should rely as far as possible on European clouds when processing sensitive data***;

Or. en

Amendment 23
Ágnes Hankiss

Draft opinion
Paragraph 4

Draft opinion

4. Stresses that the use of cloud services by public authorities ***requires special consideration***; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;

Amendment

4. Stresses that the use of cloud services by public authorities ***could be developed by providing systems of cloud-based collaboration in e-government actions between public administrations across the EU and coordinating Member States' efforts***; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this

also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;

Or. en

Amendment 24
Judith Sargentini

Draft opinion
Paragraph 4

Draft opinion

4. Stresses that the use of cloud services by public authorities requires special consideration; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;

Amendment

4. Stresses that the use of cloud services by public authorities requires special consideration; emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals; ***reiterates and expresses its serious concerns about the compulsory direct disclosure of EU personal data and information processed under cloud agreements to third country authorities by cloud providers subject to third country laws or using storage servers located in third countries¹; regrets that this access is usually made by means of the direct enforcement of legal rules by third countries authorities without making use of international instruments established for legal cooperation such as MLA or judicial cooperation; regrets that, despite its constant calls, neither the European Commission nor the Council have taken measures to solve this situation and ensure the respect of the fundamental rights of EU citizens;***

¹*Study on fighting cyber crime.*

Or. en

Amendment 25
Judith Sargentini

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Urges the Commission to extend current regulation of critical infrastructures to include those cloud services which, in case of disruptions, might have a disruptive impact on society, while guaranteeing the protection of personal and other sensitive data;

Or. en

Amendment 26
Axel Voss

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Emphasises that data integrity and security must be guaranteed and unauthorised access, including by foreign governments, prevented; stresses that this also applies to specific processing activities by certain non-governmental services such as banks, insurance companies, schools and hospitals;

Or. de

Amendment 27
Birgit Sippel

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Urges the Commission, when negotiating international agreements that involve the processing of personal data, to take particular note of the risks and challenges associated with 'cloud computing' for fundamental rights, and in particular for the right to privacy and for the protection of personal data; furthermore urges the Commission to take note of the negotiating partner's domestic rules governing law enforcement access to personal data processed through 'cloud computing' services, in particular the requirement that access for law enforcement authorities can only be granted following due process of law and that there should be a legal basis allowing for the access, as well as the requirement to specify the exact conditions of access, the security measures put in place when handing over the data, the rights of individuals, as well as the rules for supervision and for an effective redress mechanism;

Or. en

Amendment 28
Sophia in 't Veld

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Stresses that cloud services that fall under third country jurisdiction should provide users located in the EU with a

clear and distinguishable warning on the possibility of processed data to be subject to intelligence surveillance by third country authorities, followed by the request for the data subject's explicit consent for the processing of personal data;

Or. en

Amendment 29
Judith Sargentini

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Stresses its serious concerns about the works conducted within the Council of Europe by the Cybercrime Convention Committee with a view to developing a Guidance on the interpretation of the Article 32 of the Convention on Cybercrime of 23 November 2001 on "transborder access to stored computer data which consent or where publicly available"¹ in order to "facilitate its effective use of and implementation in the light of legal, policy and technological developments"; calls on the Commission [and Member States] to actively take part in the works to ensure that any interpretation adopted respects the EU Charter of Fundamental Rights, which is legally binding;

¹[http://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/TCY/TCY%202013/T CY\(2013\)14transb_elements_protocol_V2.pdf](http://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/TCY/TCY%202013/T CY(2013)14transb_elements_protocol_V2.pdf)
http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/default_en.asp

Amendment 30
Kyriacos Triantaphyllides

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Especially with regard to cross-border traffic, particular attention should be given to US law, like the FISA Amendment Act, allowing US authorities to retrieve data from the cloud without judicial authorisation and allowing the surveillance of cloud data of non-US residents on a mass scale, constituting a clear threat to the privacy of EU citizens; calls for this issue to be addressed in EU legislation, the EU data protection legislation could, for instance, require prominent warnings to be made to data subjects before EU cloud data is exported to US jurisdiction, informing them that their data is exposed to surveillance by a third country's authorities; recalls that all companies directing services at EU citizens should comply with EU rules, regardless of the location from where they provide services and that EU data subjects should be able to enforce their rights;

Or. en

Amendment 31
Judith Sargentini

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Urges the Commission to stimulate the

development of cloud computing platforms suited for users from countries with oppressive regimes, to allow them to express their opinion and access information freely and without fear of reprisals;

Or. en

Amendment 32
Birgit Sippel

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Underlines that particular attention has to be paid to small and medium enterprises which increasingly rely on 'cloud computing' technology when processing personal data and which might not always have the resources or the expertise to adequately address security challenges;

Or. en

Amendment 33
Sophia in 't Veld

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Stresses that the qualification of data controller and processor need to be appropriately reflected by the level of control over the means of processing, in order to clearly allocate the responsibilities for the protection of personal data with the use of cloud computing;

Amendment 34
Birgit Sippel

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4c. Underlines the importance of digital literacy among all citizens and urges Member States to develop concepts of how to promote safe use of the Internet including of 'cloud computing' services;

Or. en

Amendment 35
Sophia in 't Veld

Draft opinion
Paragraph 4 c (new)

Draft opinion

Amendment

4c. Stresses that all the principles laid down in European data protection law, such as fairness and lawfulness, purpose limitation, proportionality, accuracy, limited data retention periods, must be fully taken into account for the processing of personal data by cloud computing service providers;

Or. en

Amendment 36
Birgit Sippel

Draft opinion
Paragraph 4 d (new)

Draft opinion

Amendment

4d. Underlines the importance of effective, proportionate and dissuasive administrative sanctions where 'cloud computing' services do not comply with EU data protection standards;

Or. en

Amendment 37
Sophia in 't Veld

Draft opinion
Paragraph 4 d (new)

Draft opinion

Amendment

4d. Stresses that the data protection impact of each cloud computing service must currently be assessed on an ad hoc basis, in order to define the most appropriate safeguards that must be implemented;

Or. en

Amendment 38
Sophia in 't Veld

Draft opinion
Paragraph 4 e (new)

Draft opinion

Amendment

4e. Stresses that a European cloud service provider should always act in conformity with EU data protection law, even if this conflicts with instructions by a client or controller established in a third country or when the data subjects concerned are (solely) residents of third countries;

Amendment 39
Sophia in 't Veld

Draft opinion
Paragraph 4 f (new)

Draft opinion

Amendment

4f. Stresses the need to address the challenges raised by cloud computing, in particular government intelligence surveillance and the necessary safeguards, at an international level;

Or. en

Amendment 40
Sophia in 't Veld

Draft opinion
Paragraph 4 g (new)

Draft opinion

Amendment

4g. Stresses that EU citizens subject to intelligence surveillance by third country authorities should enjoy - at least - the same safeguards and remedies as the citizens of the third country concerned;

Or. en

Amendment 41
Judith Sargentini

Draft opinion
Paragraph 5 – introductory part

Draft opinion

5. Urges the Commission to ***put forward a*** more holistic communication on cloud computing, taking into account the interests of all stakeholders ***and containing*** at least ***the following***:

Amendment

5. Urges the Commission to ***continue its work on cloud computing, by developing a*** more holistic Communication on cloud computing taking into account the interests of all stakeholders, ***and that contains*** at least:

Or. en

Amendment 42

Kyriacos Triantaphyllides

Draft opinion

Paragraph 5 – introductory part

Draft opinion

5. Urges the Commission to put forward a more holistic communication on cloud computing, taking into account the interests of all stakeholders and containing at least the following:

Amendment

5. Regrets the Commission's approach in its communication whereby it fails to mention the risks and challenges attached to cloud computing and urges the Commission to put forward a more holistic communication on cloud computing, taking into account the interests of all stakeholders and containing at least the following:

Or. en

Amendment 43

Axel Voss

Draft opinion

Paragraph 5 – introductory part

Draft opinion

5. Urges the Commission to put forward a more holistic communication on cloud computing, taking into account the interests of all stakeholders and containing

Amendment

5. Urges the Commission to put forward a more holistic communication on cloud computing, taking into account the interests of all stakeholders and containing,

at least the following:

alongside a standard reference to the protection of fundamental rights and compliance with data protection requirements, the following:

Or. de

Amendment 44
Daniël van der Stoep

Draft opinion
Paragraph 5 – indent 1

Draft opinion

– *guidelines* to ensure full compliance with the EU's fundamental rights and data protection obligations;

Amendment

– *proposals* to ensure full compliance with the EU's fundamental rights and data protection obligations;

Or. en

Amendment 45
Georgios Papanikolaou, Mariya Gabriel

Draft opinion
Paragraph 5 – indent 1

Draft opinion

– guidelines to ensure full compliance with the EU's fundamental rights *and data* protection obligations;

Amendment

– guidelines to ensure full compliance with the EU's fundamental rights, *data protection obligations and intellectual property right* protection obligations;

Or. en

Amendment 46
Marco Scurria

Draft opinion
Paragraph 5 – indent 1

Draft opinion

guidelines to ensure full compliance with the EU's fundamental rights and data protection obligations;

Amendment

– guidelines to ensure full compliance with the EU's fundamental rights and data protection obligations, ***in particular to protect children in the digital world;***

Or. it

Amendment 47
Lorenzo Fontana

Draft opinion
Paragraph 5 – indent 1

Draft opinion

guidelines to ensure full compliance with the EU's fundamental rights and data protection obligations;

Amendment

– guidelines to ensure full compliance with the EU's fundamental rights and data protection obligations, ***paying particular attention to the more vulnerable user categories;***

Or. it

Amendment 48
Axel Voss

Draft opinion
Paragraph 5 – indent 2

Draft opinion

– limitative conditions under which cloud data ***can*** be accessed for law enforcement purposes, in compliance with the EU Charter of Fundamental Rights and with EU law;

Amendment

– limitative conditions under which cloud data ***may or may not*** be accessed for law enforcement purposes, in compliance with the EU Charter of Fundamental Rights and with EU law;

Or. de

Amendment 49
Judith Sargentini

Draft opinion
Paragraph 5 – indent 3

Draft opinion

– safeguards against illegal access by foreign and domestic entities, for instance by amending procurement requirements and applying Council Regulation (EC) No 2271/96¹ ;

Amendment

– safeguards against illegal access by foreign and domestic entities, for instance by amending procurement requirements and applying Council Regulation (EC) No 2271/96¹ ***to counteract foreign laws that might result in massive illegal transfers of the cloud data of EU citizens and residents;***

Or. en

Amendment 50
Birgit Sippel

Draft opinion
Paragraph 5 – indent 3 a (new)

Draft opinion

- proposals on how to define 'transfer' of personal data and on how to update standard contractual clauses that are tailored to the cloud environment as 'cloud computing' often involves massive flows of data from the cloud clients to cloud providers' servers and data centres involving many different parties and crossing borders between EU and non-EU countries;

Or. en

Amendment 51
Birgit Sippel, Petra Kammerevert

Draft opinion
Paragraph 5 – indent 4

Draft opinion

– proposals **to guarantee** net neutrality and service neutrality in order to prevent **commercially motivated** discrimination against specific cloud services;

Amendment

– proposals **for a definition of** net neutrality and service neutrality **which are based on the principles of equal treatment and non-discrimination in respect of data packages and the practical implementation of those principles**, in order to prevent discrimination **on commercial and other grounds** against specific cloud services; **in particular, and as a matter of principle, mobile and fixed-line telephony should be treated in the same way as regards access to cloud services**;

Or. de

Amendment 52
Michael Cashman

Draft opinion
Paragraph 5 – indent 5

Draft opinion

– proposals to **guarantee that access to** legal content **will not be harmed by actions against illegal content**.

Amendment

– proposals to **promote the offer of** legal content.

Or. en

Amendment 53
Kyriacos Triantaphyllides

Draft opinion
Paragraph 5 – indent 5 a (new)

Draft opinion

- measures to address the existing imbalance in the cloud services market

Amendment

between the service providers and most of the users of their services;

Or. en

Amendment 54
Ágnes Hankiss

Draft opinion
Paragraph 5 – subparagraph 1 (new)

Draft opinion

Amendment

- promoting research on how current EU legislative frameworks and international agreements fit particular cloud computing services scenarios; to measure both the economic and the environmental impact of cloud computing as there are still few studies on these aspects;

Or. en