DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Industry, Research and Energy

on unleashing the potential of cloud computing in Europe
(2013/2063(INI))

Rapporteur(*): Judith Sargentini

(*) Associated committee – Rule 50 of the Rules of Procedure
SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

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;

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

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;

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;

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:
   – guidelines to ensure full compliance with the EU’s fundamental rights and data protection obligations;
   – 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;
   – safeguards against illegal access by foreign and domestic entities, for instance by amending procurement requirements and applying Council Regulation (EC) No 2271/96¹;
   – proposals to guarantee net neutrality and service neutrality in order to prevent commercially motivated discrimination against specific cloud services;
   – proposals to guarantee that access to legal content will not be harmed by actions against illegal content.