Unleashing the potential of cloud computing in Europe

2013/2063(INI) - 10/12/2013 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on unleashing the potential of cloud computing in Europe in response to the commission communication on the subject.

Parliament welcomed the Commission's ambition to develop a coherent approach to cloud services, which constituted a significant advancement in information and communication technologies (ICT). It considered, however, that in order to achieve the ambitious goals set out by the strategy, a legislative instrument would have been more adequate for some aspects.

Parliament stressed the following points:

- cloud services must offer **security and reliability**. The safe use of internet services, including cloud computing should be encouraged;
- **Union law should be neutral** and not be adapted to either facilitate or hinder any legal business model or service;
- a strategy on cloud computing should encompass collateral aspects such as the energy consumption of data centres and related environmental issues;
- owing to the limited budget of the Connecting Europe Facility, support for broadband deployment needed to be supplemented with assistance provided under other Union programmes and initiatives, including the European Structural and Investment Funds;

the EU had an **obvious interest in having more server farms** on its soil since it would foster trust by ensuring EU sovereignty over the servers.

The cloud as an instrument for growth and employment: cloud computing could become a transformative development in all sectors of the economy, with special relevance in areas such as health care, energy, public services and education. Parliament stressed, however, that the development of cloud services, in the absence or insufficient availability of broadband infrastructure, **risks widening the digital divide** between urban and rural areas. In this context, Members underlined:

- **the importance of e-skills and digital education actions** in cloud computing development in order to tackle the rising unemployment, especially among young people;
- the need to create **more qualification schemes** for specialists managing cloud computing services;
- the positive impact of cloud computing services on **SMEs**, in particular those established in areas facing economic difficulties.

The EU market and the cloud: Parliament stressed that the internal market should **remain open to all providers complying with Union law**. It insisted that the Commission:

- take measures to counter the risk that information was accessed directly or indirectly by foreign governments, where such access was not allowed under Union law;

- ensure a competitive and transparent Union market in order to provide all Union users with secure, sustainable, affordable and reliable services.

Members welcomed the Commission's intention to establish an EU-wide certification system that would provide an incentive for developers and providers of cloud computing services to invest in better privacy protection.

Public procurement: Parliament invited the Commission and the Member States to speed up the work of the European Cloud Partnership. It encouraged public administrations to consider safe, reliable and secure cloud services in IT procurement, while underlining their particular responsibilities with respect to protection of information relating to citizens, accessibility and continuity of service. It recalled that **data integrity and security must be guaranteed** and unauthorised access prevented.

The Commission was asked to **take the lead in promoting standards** and specifications supporting privacy-friendly, reliable, highly interoperable, secure and energy-efficient cloud services.

Consumers: Members asked the Commission to:

- **raise consumer awareness of all risks** related to the use of cloud services;

- ensure that any commercial agreements between telecommunications operators and cloud providers are fully compliant with EU competition law and that they **allow consumers full access** to any cloud service, using an internet connection offered by any telecommunications operator;

explore appropriate measures to develop **a minimum acceptable level of consumer rights** in relation to cloud services, covering issues such as privacy, data storage in third countries, and liability for data losses.

Intellectual property: Parliament report urges the Commission to take action to further harmonise laws across the Member States. It called, in particular, for **clarification of the intellectual property rights regime** and for a review of the Unfair Commercial Practices Directive, the Unfair Contract Terms Directive and the E-Commerce Directive, which are the most relevant pieces of EU legislation that apply to cloud computing.

The Commission should also:

- **establish a clear legal framework in the field of copyright content** in the cloud, especially with regard to licensing regulations;

- investigate how the cloud storage of **copyrighted** works affects the royalties systems and, more specifically, the ways in which private copying levies that are relevant for certain types of cloud computing services are imposed;

promote the development of decentralised services based on **free and open-source software** that would enable EU citizens to regain control over their personal data and communication.

Data protection: Parliament called on the Commission and the Council unequivocally to recognise digital freedoms as **fundamental rights** and as indispensable prerequisites for enjoying universal human rights.

Members urged the Commission to develop a **more holistic communication** on cloud computing that takes into account, alongside a reference to fundamental rights, 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 may or may not be accessed for law enforcement purposes,

- safeguards against illegal access by foreign and domestic entities,

- proposals on how to define the 'transfer' of personal data and on how to update standard contractual clauses that are tailored to the cloud environment.

The Commission was urged, when negotiating international agreements that involve the processing of personal data, to take particular note of the risks and challenges that cloud computingposes to fundamental rights.