



UNITED STATES COUNCIL FOR
INTERNATIONAL BUSINESS



European-American
Business Council

August 31, 2011

Vice President Neelie Kroes
European Commission
Digital Agenda

Vice President Viviane Reding
European Commission
Justice, Fundamental Rights & Citizenship

Re: European Cloud Computing Strategy

Dear Vice President Kroes, Dear Vice President Reding,

The Software & Information Industry Association, European-American Business Council, and United States Council for International Business represent US and EU users and providers of cloud computing services. Many of our member companies have extensive experience with innovative ICT service delivery, including in the fast-developing market for cloud computing. We appreciate the opportunity to share our experiences and insights on creating a “cloud-friendly” environment that promotes an innovative digital economy in Europe, while addressing potential privacy, security or jurisdiction challenges.

Cloud computing is an evolution of technologies that further enables the seamless and remote use of computing resources, software, platforms and hardware. Because cloud computing is not a single technology or business model, for policy making purposes, there is no such thing as “the cloud.” Instead, cloud computing represents a continuum of ICT products and services.

As the scope, scale and availability of cloud services expand and network infrastructures improve, cloud services are becoming increasingly accessible to small and medium-sized enterprises (SMEs) and individuals. These services give businesses and individuals access to sophisticated computing environments that might have previously been beyond reach. In serving as a major innovative opportunity to businesses of all sizes, and across all sectors of the economy, cloud computing can also have considerable positive macroeconomic effects, promoting growth around the globe.

Considering the economic and societal benefits enabled by cloud computing, it is critical that we carefully consider the effects of policies on the rapidly evolving technologies and business models that comprise cloud computing. To that end, cloud-specific rules and policies should be avoided, in favor of policies that apply broadly to a wide range of technologies and services, and those that maintain a level playing field for cloud computing and all approaches to remote computing and data storage.

The undersigned associations ask that you fully recognize the global complexities of cloud services and the effects local governmental decisions have in this context. We recommend the following principles with regard to this consultation:

1. Avoid localization mandates, or any policies that would give preference to data processors using only local facilities or operating locally.
2. Promote policies that allow to the greatest extent possible, unrestricted transfer of data across borders.
3. Encourage rules governing data to travel with the data to adequately recognize varying jurisdictional requirements, and ensure data subjects do not lose protection when their data is stored and processed in the cloud, or in any remote computing environment.
4. Seek interoperable privacy regimes in which countries recognize each other's privacy rules to the greatest extent possible.
5. Embrace a global approach to cyber-security that recognizes the international nature of interconnected systems and provides for data to be protected regardless of where it is located. This approach should seek international consensus on standards to avoid fragmented and unpredictable national requirements.

We thank the EU Commission for consideration of these recommendations made in the context of this important consultation. We look forward to further work with the Commission and the Select Group to develop a sound and balanced strategy for the benefit of economic growth.



Ken Wasch
President
SIIA



Michael Maibach
President & CEO
European-American Business Council



Peter Robinson
President & CEO
USCIB