



Committee on Civil Liberties, Justice and Home Affairs
The Chairman

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Ms Neelie KROES
Vice-President of the Commission
Commissioner for the Digital Agenda
BRU-BERL 08/149
1049 Bruxelles

306574 04.04.2014

Subject: ***CoCo (Confidential and Compliant) Cloud project***

Dear Vice-President Kroes,

I would like to thank you for your attendance at the LIBE Committee meeting of 31 March 2014. During that Committee meeting, one of the questions raised by the Members concerned the recent launch of the CoCo (Confidential and Compliant) Cloud project financed by the European Commission. The objective of this project is to develop the single market for cloud computing in Europe and to deliver a secure, end-to-end solution that bridges data repository and user device, with user defined rules for storing, sharing and accessing data.

As coordinator and integration leader of this project, the Commission would have selected HP, a third country company. HP would provide a secure, open and flexible platform to the CoCo Cloud project.

As you know, the LIBE Committee closely follows the work conducted by the EU on cloud computing. Its opinion of 30 May 2013 (Sargentini opinion) on cloud computing, endorsed by the European Parliament resolution of 10 December of 2013 on cloud computing, contains recommendations to the Commission as regards the development of the cloud computing strategy. It supports the idea of developing EU clouds so as to ensure that the personal data of EU citizens is always protected in accordance to EU law and that it is sheltered from access by third country authorities without availing of mutual legal assistance agreements and with full respect of fundamental rights of EU citizens.

Likewise, the European Parliament resolution of 12 March 2014 on US NSA (Moraes report) has also drawn attention to the serious problems posed by US NSA mass surveillance programmes, in particular because US intelligence agencies have accessed personal data stored or otherwise processed in servers located on EU soil by US cloud providers and because of their policy of systematically undermining encryption protocols. The EP resolution has stressed that these activities not only constitute a breach of international obligations and of EU fundamental rights standards but that they have also severely distorted the trust of citizens in cloud services. It has also reiterated its serious concerns regarding the compulsory 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 countries.

The Parliament has called on the Commission not to use cloud services where non-EU law might apply and to develop EU clouds and IT solutions as an essential element for growth and employment, for trust in cloud computing services and providers as well as for ensuring a high level of personal data protection.

The active role played by HP in CoCo cloud computing raises several questions by the LIBE Members, both as regards the integrity and efficient protection of personal data processed within this cloud as well as the consideration paid by the European Commission to the European Parliament resolutions.

Therefore, this issue was further discussed by the LIBE Coordinators and they requested to receive from you further written explanations about the precise role of HP in this project, particularly as regards the safeguards and protections established to ensure that EU personal data processed within the CoCo cloud will be protected during the whole processing operation in accordance with EU law, whether personal data may be processed in third countries, whether all data centres and servers of the CoCo cloud project are located in the EU and data flows between them would take place only through EU networks and whether third country authorities may have access to personal data processed in the CoCo cloud by requesting HP to provide access to such data.

Yours sincerely,



Juan Fernando LÓPEZ AGUILAR