

Mrs. Neelie Kroes
European Commission
BERL 10/224
N-1049 Brussels BELGIUM

Brussels, 23rd of February 2012

Dear Mrs. Kroes,

We thank you again for the opportunity you gave the European CIO Association (« EuroCIO ») to take part in the Select Expert Group on Cloud Computing. With its direct members and the members of the eight partner national associations, EuroCIO accounts for 550+ CIOs of large European firms, totalling an annual IT spend in excess EUR 130bn. We are pleased to share with you the private sector's large users' views on issues which are vital for an adoption of Cloud Services in Europe.

A recent survey of our members shows that currently only 21% of the enterprises adopt some public cloud solutions, with less than 5% of their IT being in the cloud and in some cases this figure being close to zero. That is a very low adoption which carries significant risk that providers of cloud services will fail to secure the contracts and prospective users of cloud services will forego the apparent benefits of Cloud.

To avoid the failure of Public Cloud in Europe, CIOs of large private sector companies feel that it is essential to increase trust between cloud providers and users. More transparency in solutions, legal aspects, data protection and protection against lock-in is necessary and should become an integral part of all offerings. This should be facilitated or if needed, enforced by legal measures by the European Commission. Users need to be reassured that their investments are secured. The European Commission is in a unique position to promote a safer environment for user organisations to commence the use of Cloud Services without the risk of divestments due to changing legislation, or having to fix issues arising from an overwhelming dominant position from some providers. Cloud carries danger to lock-in users, weakening their position to negotiate and then decreasing the power of the free competition.

We have already taken steps to address some of these points with ad hoc meetings with organisations such as the ETSI concerning standards, and we are pursuing dialogue with representatives of the industry i.e. supply side. We believe that the wider adoption of Cloud Computing can only occur with the European Commission's involvement on selected key issues (the full list being available in the annex) such as:

1. Data protection: that is firstly to harmonize the E.U. data protection laws. Not to cover only privacy data, but any data. Including data liability (providers, processors & controllers, subcontractors), data property and ownership, authentication to access data, data retention and destruction, data jurisdiction, bilateral country agreements (e.g. Act) to solve potential conflicts, audit etc
2. Reversibility: the key point about lock-in, User organisations should be able to retrieve all or part of their data on demand, autonomously (i.e. without special action on the part of the Cloud Service Provider) and at no additional cost. Reversibility not being limited only to data retrieval.
3. Support of global Cloud Standard(s), and support of a Cloud Contract Model.

We would very much like to have the opportunity to discuss our members' recommendations with you with the aim of ensuring that European Commission strategies will truly reflect the needs of companies for the benefit of the European economy.

Yours respectfully,

Peter Hagedoorn
Secretary General,
European CIO Association

Bernard Duverneuil
Group CIO, ESSILOR
Chairman, Cloud Computing Workgroup
European CIO Association

Attached: "Consolidated List of Recommendations (USERS perspective)"