EU policies to remove obstacles to cloud services

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European Commission

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2018: 2 key initiatives @EU level

Fintech Action Plan

Free Flow of Non-personal Data Regulation

- **3 Actions**
- **EU Fintech Lab**

Self-regulatory codes and standards developed by the industry

European Commission

Fintech Action Plan, par. 2.2

1. *The Commission invites the ESAs to explore the need for guidelines on outsourcing to cloud service providers by Q1 2019*

2. *The Commission invites cloud stakeholders to develop cross-sectoral self-regulatory codes of conduct to facilitate switching between cloud service providers*

3. *The Commission shall encourage and facilitate the development of standard contractual clauses for cloud outsourcing by financial institutions*

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The Free flow of non-personal data Regulation

After a swift negotiation process, a political agreement was reached on 19 June on a legal proposal based on principles:

- The free flow of non-personal data principle

- The principle of data availability for regulatory control purposes

Actions to make sure cloud service providers and users develop self-regulatory codes of conduct for easier switching of provider and/or porting data back to in-house servers (ARTICLE 6)

- **18 months to develop and implement Codes of Conduct for porting/switching**
- **Commission will review the Codes after 4 years**

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"SWIPO":
Self-regulatory WG developing Codes of Conduct for Switching Cloud Service Providers

- **Self-regulatory (Commission is observer)**

- **Open & inclusive process (open call)**

- **Initially 2 Codes: IaaS / SaaS (2 sub-WGs)**

- **Balanced representation: 6 co-chairs suggested by the Commission**

- **Qualification criteria for involvement: experience & expertise**

SWIPO
Working groups on Switching & Portability

→**Process launched on 12 December 2017.**

→**First meeting of the WGs: took place on 17 April 2018.**

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"SWIPO":

Self-regulatory WG developing Codes of Conduct for Switching Cloud Service Providers

- *Guiding principles of self-regulation:*
  - ✓ *Balanced and relevant participation*
  - ✓ *Openness, inclusiveness and transparency*
  - ✓ *Good faith, commitment and constructiveness*
  - ✓ *Clear and unambiguous objectives*
  - ✓ *Legal compliance*

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Cloud Security Certification

✓ Proposal for a **EU Cybersecurity Act, towards a European Cyber Security Certifications Framework**

✓ **Cloud security is a prerequisite for enabling the Free Flow of Data in the EU and promoting Cloud uptake**

- **WG on Cloud Security Certification is exploring the possibility of developing a candidate European Cloud Security Certification Scheme**
- **European Cloud Security Certification Scheme will promote scaling-up of EU CSPs**
- **European Cloud Security Certification will facilitate comparability**

To put it in context: Commission proposal for a Cybersecurity Certification Framework

This will enable the creation of sectorial EU certification schemes for ICT products and services that will be valid across the EU

- *Ongoing*
- *If the CSC comes into being, it would belong in this standard framework*

Your participation is welcome.

If interested, or for info, please drop a line to
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Thank you