

Meeting on e-evidence framework principles between CAB Avramopoulos and Microsoft, Le Berlaymont, 30 June, 2017

Participants: Giorgos Rossides – CAB Avramopoulos, [REDACTED] – Microsoft, [REDACTED] – Microsoft, [REDACTED] – DG HOME D.4

COM (CAB Avramopoulos) shortly explained the state of the play of the process to Microsoft

Microsoft position:

- Agrees, that the EU is in a best position to address the issues at stake. Supports the work in general
- Microsoft has concerns about extraterritorial actions by the Member States. It wants a system that can work. A common EU position is desired.
- Another concern is lawful access to data that would give disincentives to businesses using cloud computing. The digital economy aspect should also be highlighted in the process. There are governments and international organisations that would like to move their data to the cloud, and the main concern is that they don't know who gets access to it
- Microsoft strongly supports the SPOCs established in Member States. Each country should have one
- Production requests should be addressed directly to data controllers. It is an issue of clarity
- Also the territorial aspect should be taken into account – Microsoft does not want new conflicts of law, in particular with the US

COM explained that these issues will be taken under prominent consideration. COM explained that the project is focused mainly on the following questions:

- How does the EIO work as regards electronic evidence
- How could it be stepped up
- The international aspect
- Cooperation with the private sector

Microsoft explained the US legal proposal in relation to electronic evidence and the current state of the play of the Microsoft Ireland case. They are expecting to know by the fall whether the Supreme Court is going to take the case. However, Microsoft does not see the outcome of the case as a solution even if the court would rule for the government. A legislative solution is needed.

COM advised Microsoft to continue the constructive cooperation with COM and advised them to stay in contact also with CABs Jourova and King as well as the Parliament.

Microsoft concluded that they would like to have a clean legislative solution that would be beneficial for both the Member States and private entities.