

## BTO: Meeting between senior AWS representatives and DG Roberto Viola, 28/11/2018

### Ares(2018)

#### Context

This meeting was requested by [REDACTED] at Amazon Web Services (AWS), to discuss in particular the evolution of the European digital economy, with a focus on the Regulation on terrorist content online, cloud policies in the area of data flows and portability, Brexit, P2B and future DG CNECT policy development.

Personal  
Data -  
Article  
4(1)(b)

#### Participants

##### **Internals:**

**CNECT.DG:** Roberto VIOLA (RV)

**CNECT.E2:** 4(1)(b)

**CNECT.F2:** [REDACTED]

**CNECT.E2:** [REDACTED]

##### **Externals:**

**AWS** 4(1)(b)

**AWS**

**AWS**

**AWS**

#### Overview

AWS is the largest Cloud Service Provider (CSP) globally. Together with Microsoft, it owns more than half of the market for Infrastructure-as-a-Service (IaaS) cloud services.

AWS is currently opening datacenters in Italy and Sweden. Its representatives emphasized the positive effects of AWS "massive presence" and investments for the European economy: apart from the 4(2)(1)

over three European regions, positive impacts are to be expected from the new ecosystem that the advent of new AWS datacenters creates.

Protection of  
commercial  
interests -  
Article 4(2),  
first indent

#### Discussion

##### **The Regulation on terrorist content online**

- 4(2)(1) [REDACTED]
- EC provided reassurance that it was not the intention of the Commission to include IaaS services in a restrictive way, and that discussions on exactly this point are currently underway in Council.
- EC pointed out that terrorist content is a specific sort of criminal content, on which the EU judicial system is increasingly coordinated, e.g. in terms of removal orders or judicial follow-up (as opposed to e.g. pedo-pornography).

## Cloud policies, data flows & cloud portability

- AWS congratulated the Commission with the adoption of the Free flow of non-personal data Regulation.
- EC emphasised that market participants need to be aware of this new freedom, understand how the Regulation works, and that they have a clear right to move their data to the cloud, wherever the datacenters may be located in the EU.
- AWS referred to the self-regulatory process on switching CSPs and porting data, and stressed that governance of the codes of conduct is a key issue that will determine the success of the process, [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED].

*Protection of  
commercial  
interests -  
Article 4(2),  
first indent*

## Brexit

- AWS expressed concerns about the status of EU-UK data flows for during the post-Brexit period. As adequacy negotiations can only start when the UK has become a third country, [REDACTED] asked whether the Commission has taken precautions for data flows during the transition period.
- EC emphasised that the Commission's thinking on Brexit is largely publicly available online, e.g. the Commission preparedness notices.

## P2B

- 4(2)(1) [REDACTED]  
[REDACTED]  
[REDACTED]
- EC clarified that neither the Commission's proposal nor the Council's General Approach prevents platforms from immediately removing any illegal content.

## Future DG CNECT policy development

- To AWS' question on CNECT's policy development beyond the new college of commissioners, the EC highlighted a few possible focus areas:
  - The possible modernisation of the E-commerce Directive;
  - The implementation of the Cybersecurity Act;
  - GreenCloud, both from a research and a policy perspective;
  - Next Generation Internet, with a special focus on 'personal data spaces'.
- AWS would like to cooperate with the Commission on all these matters.
- There was particular AWS interest in cooperating on GreenCloud, with a proposal to hold a separate CNECT-AWS engagement day specifically on this topic.

## Geoblocking Regulation

- EC emphasized the importance of the implementation of the Geoblocking Regulation: a third party service for shipping products across MS borders would be desirable in cases that a seller does not want to sell across borders.

- AWS highlighted the issue pertaining to VAT and the different regimes in different MS.
- AWS will check whether actions are still required in order to ensure a smooth start of the entry into force of the Geoblocking regulation.

#### **Follow-up Actions**

- Find a date for a dedicated CNECT-AWS engagement day on GreenCloud;
- Get back to AWS to clarify mutual understanding about follow- third party shipping providers present as an option on the Amazon e-commerce platform.

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