Dear Commission President,

We as industry take note of the Court of Justice of the European Union’s (CJEU’s) Judgement of 6th October 2015 in Case C-362/14 (Maximillian Schrems v Data Protection Commissioner), which invalidates the European Commission’s Safe Harbour Decision 2000/520/EC. This invalidation constitutes a serious disruption for the thousands of companies that have relied on the framework for commercial data transfers between the EU and the United States. These commercial data flows are central to facilitating transatlantic trade and the continued development of Europe’s data driven economy.

We wish to stress to you that our member companies take their legal commitments very seriously when transferring data to the United States in compliance with European law. It is important for companies, both large and small, operating in the United States and Europe to have an instrument that provides legal certainty. Unfortunately, the CJEU’s Judgement has created a situation where companies are faced with significant uncertainty.

As such we call on the European Commission to work closely with national Data Protection Authorities (DPAs) to ensure a harmonised implementation of the Judgement and stress the need for this work to continue as a European Commission priority until these matters are appropriately resolved. A non-harmonised approach by national DPAs risks fragmenting the EU’s common approach to international data transfers and impairs the EU’s ability to develop a Digital Single Market.

Moreover, it will be of critical importance that DPAs recognise the necessity of a sufficient transition period for companies to adapt their practices accordingly. We also note the need for a transition period to enable DPAs to undertake needed administrative processes that may accompany alternative compliance processes.

We also call for guidance for companies operating under the Safe Harbour framework. This guidance must be published as soon as possible and clearly recognise the crucial importance of international data flows and existing transfer mechanisms.

Finally, we call on the European Commission and the U.S. to urgently conclude their long-running negotiations and adopt a strengthened Safe Harbour framework.

We look forward to a continued dialogue and remain at your disposal to discuss these urgent issues.
Best regards,

John Higgins
Director General, DIGITALEUROPE

James Waterworth,
Vice President, Computer & Communications Industry Association (CCIA Europe)

Karl Cox
Chairman of the Board, American Chamber of Commerce to the European Union (AmChamEU)

Oliver Süme
President, European Internet Services Providers Association (EuroISPA)

Angela Mills Wade
Executive Director, European Publishers Council (EPC)

Dominic Lyle
Director General, European Association of Communications Agencies (EACA)

Stephan Loerke
Managing Director, World Federation of Advertisers (WFA)
Sébastien Houzé  
Secretary General, European Federation of Direct and Interactive Marketing (FEDMA)

Maurits Bruggink,  
Secretary General, European Multi-channel and Online Trade Association (EMOTA)

Simon Little  
Managing Director, Interactive Software Federation of Europe (ISFE)

Pascal Kerneis  
Managing Director, European Services Forum (ESF)

Marlene ten Ham  
Secretary General, Ecommerce Europe

Catriona Meehan  
Director of European Policy and Government Affairs, App Developers Alliance

Siada El Ramly  
Director General, EDiMA

Julian David,  
CEO, TechUK
Richard Bergström
Director General, European Federation of Pharmaceutical Industries and Associations (EFPIA)

Rob Mulligan
Senior Vice President, Policy and Government Affairs, U.S. Council for International Business

Thomas Boué
Director, Government Affairs, EMEA, BSA | The Software Alliance

Kitayoshi Tsumita
Secretary General, Japan Business Council in Europe

Dean C. Garfield, President and CEO, Information Technology Industry Council (ITI)

Peter H. Chase
Vice President Europe, U.S. Chamber of Commerce

Christian Verschueren
Director-General, EuroCommerce

Townsend Feehan
CEO, IAB Europe
cc.

Mr Frans Timmermans
First Vice-President, European Commission

Mr Andrus Ansip
Vice-President, Digital Single Market, European Commission

Ms Věra Jourová
Commissioner, Justice, Consumers and Gender Equality, European Commission

Mr Günther Oettinger
Commissioner, Digital Economy & Society, European Commission

Ms. Isabelle Falque-Pierrotin
Chair of the Art. 29 Working Party

Mr. Giovanni Buttarelli
European Data Protection Supervisor