



# KEEP EUROPE GROWING

25 January 2016

*Dear Mr. /Mrs. President, Chancellor, Prime Minister*

*Dear Mr. / Mrs. Member of the Article 29 Working Party,*

## **Transatlantic data isolation – not an option for advanced digital economies**

International data flows are the foundation of modern economies. The members of the European Data Coalition take care to abide by transfer mechanisms established by policy makers. This implies significant operational and technical investments which are cost intensive and very time consuming to change. Predictability and stability of rules is fundamental to secure investment confidence. When this is shattered, it takes decades to rebuild it. Loss of investment confidence in the digital economy would be catastrophic for the European economy and the Digital Single Market.

The ability to operate and trade across the Atlantic has come under siege in the wake of the 6th October decision by the Court of Justice of the European Union (CJEU) to invalidate one data transfer mechanism, Safe Harbor. The problem is compounded by the fact that a timely and successful conclusion of a new Safe Harbor agreement seems remote, and the fact that alternative transfer mechanisms, such as Model Clauses and Binding Corporate Rules, may be invalidated by the EU's National Data Protection Authorities (DPAs).

As we approach the 31<sup>st</sup> of January deadline for a new agreement as set out by DPAs, the Coalition fears that the EU and the US are moving towards a potentially disastrous collapse of transatlantic data transfers, sending transatlantic economies back decades or more. The increasing risk of this undesirable outcome has already begun to create unprecedented uncertainty among businesses which will ripple through the supply chain to consumers and the public sector.

The European Data Coalition as well as other businesses of all sizes have repeatedly called on the EU and the US to urgently agree on a new data transfer framework to restore the trust and legal that is certainty essential for international trade and investor confidence, as well as for strong transatlantic relations and common values.

We urge the political leaders of EU Member States to do their utmost to encourage your interlocutors within the European Commission and the United States Government to rapidly present a pragmatic new legal framework for transatlantic data transfers. We also urge the national DPAs to secure Model Clauses and Binding Corporate Rules as viable transatlantic transfer mechanisms.

We trust you will take our concerns into account and remain ready to assist you and your teams in whatever way we can.

Yours sincerely,



Rene Summer  
Coalition Spokesperson

### **ABOUT THE COALITION**

*Our Coalition is made up of nineteen European companies, from SMEs to Global Multinationals and non-profit organisations operating in a variety of sectors on a national, regional and global scale. With an aggregate turnover (2013) of over € 158 billion and some 752,000 employees worldwide, our footprint allows us to bring growth, progress and jobs to the EU's economy. Our membership includes...*

- ... a global leader in power and automation solutions...*
- ... the leading Central and Eastern European e-commerce company...*
- ... a productivity solutions provider of compressors, vacuum solutions, construction and mining equipment...*
- ... a non-profit organisation dedicated to collecting money to prevent and combat child cancer diseases...*
- ... a global leader in household appliances...*
- ... two providers of communications technology and services...*
- ... a designer, engineer, manufacturer and distributor of outdoor power products...*
- ... an investment company...*
- ... a SME provider of online marketing through search engine marketing, conversion and lead generation...*
- ... an e-commerce company providing payment services for online storefronts...*
- ... an engineering group in tooling, materials technology, mining and construction ...*
- ... an enterprise software corporation...*
- ... a global provider of heavy trucks and buses, engines and services...*
- ... a global provider of renewable solutions in packaging, biomaterials, wood and paper...*
- ... the leading university in technology and digital arts programmes...*
- ... a provider of business software and services to more than 340 000 business in the Nordics...*
- ... a producer and distributor of trucks, buses and construction equipment...*
- ... the leading company in advanced mobile services...*

*Our businesses are profoundly different but deeply united by the need for clear roles and responsibilities, open cross-border data flows, balanced codified sanction guide lines, effective one stop shop and absence of overly prescriptive rules as fundamental conditions for long-term growth, competitiveness and prosperity, for both us and the economies in which we operate.*

For further information please visit us [www.europeandatacoalition.eu](http://www.europeandatacoalition.eu) or contact us at [info@europeandatacoalition.eu](mailto:info@europeandatacoalition.eu)