

THE COALITION OF EUROPEAN ORGANISATIONS ON DATA PROTECTION

Date: 11th June 2015

To: Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality

Subject: Impact of the GDPR's liability regime on the European industry

Dear Commissioner Jourová,

We write today with a great sense of urgency concerning the ongoing discussions on the General Data Protection Regulation, and notably the issue of liability of data controllers and processors laid out in Article 77.

The Coalition of European Organisations on Data Protection, together with a large part of the global industry, strongly believes that the liability regime proposed by the European Commission with Article 77 would negatively impact the European-based processing market and the digital economy as a whole. Over the past years we have repeatedly addressed our concerns and written letters to the Commission, both individually and as part of various organisations, requesting a clear explanation of why the liability system under the 95/46 Directive needs fixing and how joint liability would protect consumers more than the current regime, considering benefits and costs of alternative options.

However, we regret that the Directorate-General Justice has failed to provide a robust, exhaustive, or convincing answer.

More than three years after the release of the draft Regulation, the industry is still without answers, unaware of which problems the proposed joint liability aims to solve. It is rather clear to us that, if adopted and enforced by Regulation, this new liability regime would seriously damage the EU data processing market with no apparent advantage for data subjects.

In light of the above, we would like to request an exhaustive explanation of why the Commission believes that joint liability will benefit European data subjects while preserving the competitiveness of data controllers and processors, rather than damaging them as we maintain.

We look forward to receiving your feedback.

Best regards



Rene Summer

Coalition Spokesperson

ABOUT THE COALITION

Our Coalition is made up of twenty 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 provider of assured, secure cloud services to the UK public sector...
... 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 or contact us at info@europeandatacoalition.eu