

# DIGITALEUROPE's reaction to the CJEU Judgement in the case Maximillian Schrems vs Data Protection Commissioner (Case C-362/14)

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**BRUSSELS (October 6<sup>th</sup> 2015)** - DIGITALEUROPE is disappointed by the ruling of the Court of Justice of the EU (CJEU) today in the case of Maximillian Schrems vs Data Protection Commissioner. The immediate invalidation of transatlantic data flows will cause immediate harm to Europe's data economy and will negatively impact countless consumers, employees and employers. We have grave concerns about the long-term implications this Judgement will have on the way Europe transfers data to the rest of the world.

"We urgently call on the European Commission and the United States Government to conclude their long-running negotiations to provide a new Safe Harbour agreement as soon as possible," said Peter Olson, President of DIGITALEUROPE.

"We also call on the European Commission to immediately issue guidance to companies operating under the Safe Harbour framework to ensure that essential and routine commercial activities can occur during the current legal vacuum," Mr Olson added.

DIGITALEUROPE member companies take their commitments to transferring data to the United States securely, responsibly and in compliance with European legal obligations very seriously. It is important for businesses operating in the Internal Market to have an instrument that provides legal certainty.

In addition to the immediate disruption to international data flows, today's Judgement risks jeopardising the creation of a true Digital Single Market (DSM) in Europe.

"The DSM is a key strategic objective of the European Commission. Its success is a central component to kick-starting economic growth and job creation across the EU. We question how Europe will be able to effectively create a Digital Single Market if 28 Member States pursue different approaches to how the data can be transferred beyond Europe's borders." Mr Olson said.

The only way to deal with the issue of mass surveillance of citizens' personal data by security agencies - that lies behind today's case - is through direct government-to-government negotiations.

## Background:

The formal Decision in question is the Safe Harbour mechanism – a legal instrument based on an agreement reached between the EU and the US in 2000, designed to facilitate the transfer of commercial data from Europe to the US.

It is used by about 4,500 companies to transfer a wide range of commercial data such as payroll and customer data.

The Court was asked whether a national data protection authority should be able to conduct its own investigations into how a citizen's data is treated outside the EU, and whether it should be able to suspend the movement of personal data to the US when the company transferring data has signed up to the Safe Harbour agreement.

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## ABOUT DIGITALEUROPE

**DIGITALEUROPE** represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

**DIGITALEUROPE** ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 59 corporate members and 35 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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