

DIGITALEUROPE's reaction to the Irish High Court decision to refer the Max Schrems-II privacy case to the European Court of Justice

Brussels, 03 October 2017

DIGITALEUROPE acknowledges that the Irish High Court referred the Max Schrems-II privacy case to the European Court of Justice (CJEU). The referral to the CJEU will prolong the period of uncertainty for international data transfers from the EU.

DIGITALEUROPE is pleased to have participated in the Irish High Court proceedings and we will continue to advise the CJEU in the next stages, as permitted. Industry will continue using the existing mechanisms for data transfers, which remain valid at this point of time.

In that regard, DIGITALEUROPE welcomes the clear cooperation between the EU and US administrations, as evidenced by the additional safeguards on the US side since the initiation of the complaint and the collaboration in the recent first annual review of Privacy Shield.

Background

The case, "Data Protection Commissioner v. Facebook Ireland Limited & Maximilian Schrems" focuses on whether companies, including Facebook, can use standard contractual clauses (SCCs) - a mechanism allowing the transfer of personal data from the EU to the US. Judgement has not yet been made but the reference to the CJEU concerning the validity of SCCs insofar as they relate to EU to US data transfers is a cornerstone for the case. DIGITALEUROPE is one of the amici ("friends of the court"), assisting the Court by offering information that bears on the case.

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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 in total 25,000 ICT Companies in Europe represented by 61 corporate members and 37 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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