

Brussels, 13th October, 2015

H.E. Jean-Claude Juncker  
European Commission President  
European Commission

**RE: Open letter on the implementation of the CJEU Judgement on Case C-362/14 Maximillian Schrems v Data Protection Commissioner**

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 Commission), 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



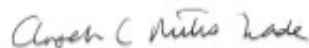
**James Waterworth,**  
Vice President, Computer & Communications Industry Association (CCIA Europe)



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



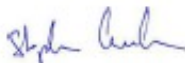
**Oliver Süme**  
President, European Internet Services Providers Association (EuroISPA)



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



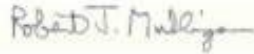
**Dominic Lyle**  
Director General, European Association of Communications Agencies (EACA)



**Stephan Loerke**  
Managing Director, World Federation of Advertisers (WFA)



**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



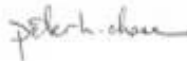
**Thomas Boué**  
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**Kitayoshi Tsumita**  
Secretary General, Japan Business Council in Europe



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



**Peter H. Chase**  
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