



January 27, 2016

President Jean-Claude Juncker  
European Commission  
Rue de la loi 200  
1049 Brussels  
Belgium

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  
United States of America

Dear Presidents Juncker and Obama,

The Trans-Atlantic Business Council (TABC), as the voice of transatlantic business on trade and investment issues, is writing to urge the European Commission and U.S. Administration to complete their work as soon as possible on a sustainable and reliable legal instrument for cross-border data flows between the European Union and the U.S. We believe this issue requires the highest level of attention in light of the impact on transatlantic trade.

The transatlantic economy depends on cross-border data flows. American and European companies rely on data flows to innovate, create jobs, connect global supply chains, provide goods and services, and engage with their subsidiaries located on both sides of the Atlantic. At the same time, TABC members also recognise the importance of strong safeguards surrounding the privacy, protection and security of data.

Our companies are however faced with uncertainty on how best to continue to transfer data across the Atlantic following the October 6 European Court of Justice (ECJ) ruling which invalidated the adequacy finding upon which the EU-U.S. Safe Harbour framework is based. TABC members remain deeply concerned about the potential for varying and even contradictory actions of Member State data protection authorities (DPAs) if a new transatlantic framework agreement is not soon concluded and implemented.

Besides the need for an agreement on a new EU adequacy decision, American and European companies especially need guidance and legal certainty on the validity of use of other transfer mechanisms like binding corporate rules and model contract clauses in order to maintain cross-border data flows.

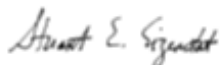
TABC thanks negotiators for their work and engagement in negotiating an improved Safe Harbour framework over the past two years. Yet with the apparent impending deadline of January 31 placed by the Article 29 Working Group, we respectfully ask for your guidance in concluding and

Brussels & Washington  
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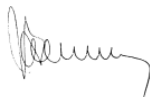
*Promoting a barrier-free transatlantic market that contributes to economic growth, innovation and security.*

implementing a new framework that will guarantee both legal certainty for American and European businesses and an adequate level of data privacy and protection for European citizens.

Sincerely,



Ambassador Stuart Eizenstat  
U.S. Chair  
Trans-Atlantic Business Council



Ambassador Hugo Paemen  
EU Chair  
Trans-Atlantic Business Council

*CC: U.S. Secretary of Commerce Penny Pritzker and EU Commissioner for Justice, Consumers and Gender Equality Věra Jourová*