



TRANS-ATLANTIC BUSINESS COUNCIL

Via Email

November 6, 2015

Commissioner Věra Jourová
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Secretary Penny Pritzker
Herbert C. Hoover Building
1401 Constitution Ave NW
Washington, DC 20230
United States

Dear Commissioner Jourová and Secretary Pritzker:

On 6 October, the Court of Justice of the EU (ECJ) invalidated the adequacy finding upon which the EU-U.S. Safe Harbor framework is based. The Article 29 Working Party issued a statement on October 16 stating EU data protection agencies (DPAs) should take appropriate actions in individual cases but no collective enforcement action will take place before the end of January 2016. The statement affirmed that while an alternative solution is being sought by the EU and U.S., Standard Contractual Clauses and Binding Corporate Rules can be used.

We know that many business organizations, legislators, and government officials have shared their concerns with both of you about the potential for serious economic disruption in the transatlantic space as a result of this decision. We welcomed the Commission's Communication earlier today to the European Parliament and the Council in clarifying various mechanisms available to authorize cross-border personal data transfers to countries not deemed adequate. Nonetheless, TABC members remain deeply concerned about the potential for varying and even contradictory actions of Member State DPAs if a new transatlantic framework agreement isn't concluded and implemented as soon as possible. We are encouraged that you have both spoken recently of the essential importance of cross-border data flows for facilitating transatlantic trade and realizing innovative business models in the digital economy.

Therefore, TABC urges the European Commission and the US Administration to complete their work as soon as possible to reach a final agreement on a sustainable and reliable legal instrument for cross-border data flows between Europe and the US that will provide legal certainty for American and European businesses and an adequate level protection of data privacy for European citizens. We wish you great success in your approaching meeting in Washington.

Respectfully,

Tim Bennett
Director-General/CEO, TABC