

DIGITALEUROPE comments on the INTA vote on proposal for recast of export control Regulation

Brussels, 23 November 2017

DIGITALEUROPE, the leading association representing the digital technology industry in Europe, appreciates the efforts of the European Parliament's International Trade Committee to improve on the Commission's proposal for a reformed EU Export Control Regime.

From the beginning, DIGITALEUROPE has supported the objectives of the EU export control reform proposal to protect and promote human rights. The vote today in the International Trade Committee, did make some improvements to the parts of the Commission's proposal that lacked legal clarity. Particularly, around the definition of cyber surveillance technology and the exception for security research, as well as the clear differentiation between traditional dual use items and cyber surveillance technology. It also provides important support for new EU General Authorisations for encryption and intra-company transfers, putting the EU industry on the same competitive level as many of our trading partners. Since encryption is widely available and predominantly for civil use, DIGITALEUROPE agrees with the EP that it is questionable to label all encryption as dual-use items. In the digital age, everything benefits from connectivity, making the importance of data protection constantly increase.

Despite these efforts, DIGITALEUROPE sees an absolute need for further changes to make the proposal workable for businesses. In particular, around the catch-all for human rights concern, which still lacks clarity. In this regard, we continue to call for a harmonised EU-wide list of excluded parties and/or countries of concern, in line with suggestions put forward by various Members States. We also regret that the Parliament did not work further towards ensuring a level playing field, both within Europe and globally, through a clear alignment with the international control regimes such as the Wassenaar Arrangement.

DIGITALEUROPE means that the introduction of safeguards to prevent a future deviation of an EU autonomous list from these regimes is essential. DIGITALEUROPE strongly recalls that unilateral regimes harm the global competitiveness of European industry and ignore existing international export control regimes. It is also difficult to anticipate the practical outcome of the many new decision criteria for export authorisations. As the criteria are rather subjective and not clearly connected to the dual-use items to be exported they could be misinterpreted by the competent authorities and the level-playing field within the EU might decrease.

DIGITALEUROPE is ready to continue working constructively with policy-makers to make sure Europe can lead in the global fight for human rights whilst providing a legal and operational export control regime for its ICT industry to remain globally competitive.

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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 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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