# DIGITALEUROPE statement on France's efforts to undermine EU attempts to safeguard data flows

**BRUSSELS (November 15th 2016) –** DIGITALEUROPE opposes any efforts to obstruct the free flow of data, both within the EU and beyond. Recent statements by the French government appear to be pushing back against the European Commission's anticipated free flow of data initiative, and risk undermining the construction of Europe's data economy - a cornerstone of the Digital Single Market.

France's minister for digital affairs, Axelle Lemaire is calling for additional data protection safeguards in international trade agreements. She also wants to focus on the sharing and access to non-personal business data while trying to convince the European Commission to back away from proposing hard law designed to safeguard data flows between Member states of the EU.

We believe Ms Lemaire's thinking is flawed on all three issues:

- Every international trade agreement that Europe has signed in the past with its trading partners requires all parties to respect local data protection legislation. Europe's new General Data Protection Regulation (GDPR) was designed to be the gold standard for how to treat personal data both within the EU and by trading partners around the world.  We argue that it would be more sensible to give the GDPR a chance to prove it can work before heaping on further protections in future trade agreements. Similarly, it would be self-defeating to outlaw the inclusion of language about the importance of data flows in future trade agreements.
- Regarding the ownership, access and re-use of non-personal industrial data, we continue to fail to see the existence of a market failure, which would justify continued attention by the Commission. Contractual relations and existing legislation (i.e. unfair commercial practices law) are sufficient.
- The Commission's free flow of data initiative is a key plank of the Digital Single Market strategy. The Commission must continue working towards a legislative proposal designed to stamp out the spread of data localisation measures at Member State level in the EU. The argument that no such measures exist is clearly and factually wrong. The think tank ECIPE has drawn up a database detailing data localisation measures in place in many EU Member States (http://ecipe.org/dte/ ).

 Now more than ever Europe needs to show its support for free trade. Protectionist voices around the world are getting louder.  If left unchecked the trend towards protectionism could have a devastating effect on the development of the global digital economy, and closer to home it could freeze Europe out of today's most promising areas for economic growth – big data-driven innovation which is revolutionising all areas of industry and society.

 If the EU succumbs to protectionism and allows it's Member States to erect data barriers at their borders then how can we expect third countries to do any different? Protectionism is a race to the bottom in economic terms. Anything obstructing the free flow of data must be seen for what it is: a protectionist measure that distorts economic activity. Claims that more protection of data is needed in the international context is disingenuous. With the GDPR in its infancy and with the Privacy Shield ink still wet it is far too early to charge ahead with further measures at this stage.

--
For more information please contact:
Paul Meller, DIGITALEUROPE's Director of Media Relations
+32 497 322 966 or paul.meller@digitaleurope.org

# 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 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

# DIGITALEUROPE MEMBERSHIP

## Corporate Members

Airbus, AMD, Apple, BlackBerry, Bose, Brother, CA Technologies, Canon, Cisco, Dell, Dropbox, Epson, Ericsson, Fujitsu, Google, Hewlett Packard Enterprise, Hitachi, HP Inc., Huawei, IBM, Ingram Micro, Intel, iQor, JVC Kenwood Group, Konica Minolta, Kyocera, Lenovo, Lexmark, LG Electronics, Loewe, Microsoft, Mitsubishi Electric Europe, Motorola Solutions, NEC, Nokia, Nvidia Ltd., Océ, Oki, Oracle, Panasonic Europe, Philips, Pioneer, Qualcomm, Ricoh Europe PLC, Samsung, SAP, SAS, Schneider Electric IT Corporation, Sharp Electronics, Siemens, Sony, Swatch Group, Technicolor, Texas Instruments, Toshiba, TP Vision, VMware, Western Digital, Xerox, Zebra Technologies, ZTE Corporation.

## National Trade Associations

**Austria:** IOÖ
**Belarus:** INFOPARK
**Belgium:** AGORIA
**Bulgaria:** BAIT
**Cyprus:** CITEA
**Denmark:** DI Digital, IT-BRANCHEN
**Estonia:** ITL
**Finland:** FFTI
**France:** AFNUM, Force Numérique, Tech in France
**Germany:** BITKOM, ZVEI

**Greece:** SEPE
**Hungary:** IVSZ
**Ireland:** ICT IRELAND
**Italy:** ANITEC
**Lithuania:** INFOBALT
**Netherlands:** Nederland ICT, FIAR
**Poland:** KIGEIT, PIIT, ZIPSEE
**Portugal:** AGEFE
**Romania:** ANIS, APDETIC
**Slovakia:** ITAS
**Slovenia:** GZS

**Spain:** AMETIC
**Sweden:** Foreningen Teknikföretagen i Sverige, IT&Telekomföretagen
**Switzerland:** SWICO
**Turkey:** Digital Turkey Platform, ECID
**Ukraine:** IT UKRAINE
**United Kingdom:** techUK

**DIGITALEUROPE**
Rue de la Science, 14 - 1040 Brussels [Belgium]
T. +32 (0) 2 609 53 10 F. +32 (0) 2 431 04 89
www.digitaleurope.org | info@digitaleurope.org | @DIGITALEUROPE
Transparency register member for the Commission: 64270747023-20

2