

## ICDP JHA Council Statement: Proposed partial approach falls short of the needs of the Digital Single Market

**Brussels 11 March 2015:** ICDP\* - The Industry Coalition for Data Protection is concerned that the text proposed for adoption at the Justice and Home Affairs Council on 12-13 March on the One-Stop-Shop (OSS) and Chapter II falls short of the Regulation's ambition to become a key pillar of Europe's Digital Single Market.

The stated goal of the OSS mechanism is to benefit, citizens, regulators and businesses alike by providing a clear framework for the handling of cross-border cases. Despite lengthy negotiations, the agreement reached is very disappointing. The proposed mechanism will be more cumbersome than the current modus operandi leading to unnecessary administrative burdens for all parties concerned including delayed decisions for citizens. It should be remembered that the vast majority of companies affected are not large multi-nationals but small and medium sized enterprises (SMEs). An over-complicated system brings legal uncertainty to companies and citizens alike and hinders rather than supports the shared goal of creating a Digital Single Market.

Furthermore, ICDP strongly believes that the legislative framework should strive to meet the needs of the 21st century economy based on data driven innovation. However, some of the amendments proposed by the Council to Chapter II, such as restriction on compatible use and the limited language around the legitimate interest legal basis, risk making the system even more restrictive and complicated than it is today. Such narrowly construed changes will have unintended consequences for those operators forced to comply with the Regulation while neutralising the positive impact of some of the privacy enhancing proposals put forward by the Commission.

ICDP strongly encourages Member States to embrace the principle of a strong OSS mechanism and ensure that the adopted legal framework supports the emergence of new technologies which will allow European companies to compete on the global marketplace.

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### \* Members of Industry Coalition for Data Protection (ICDP)

ICDP is comprised of 20 associations representing thousands of European and international companies who are building, delivering, and advancing the digital experience. Members of ICDP include: ACT | The App Association, American Chamber of Commerce to the EU (AmCham EU), BSA | The Software Alliance (BSA), Computer and Communications Industry Association (CCIA), European Coordination Committee of the Radiological, Electromedical and Healthcare IT Industry (COCIR), DIGITALEUROPE, European Association of Communications Agencies (EACA), E-Commerce Europe, European Digital Media Association (EDiMA), European Multi-channel and Online Trade Association (EMOTA), European Publishers Council (EPC), European Internet Services Providers Association (EuroISPA), Federation of European Direct and Interactive Marketing (FEDMA), GS1, IAB Europe, Interactive Software, Federation of Europe (ISFE), Japan Business Council in Europe (JBCE), TechAmerica Europe and the World Federation of Advertisers (WFA).

