

# KEEP EUROPE GROWING

01 December 2015

NO NEED TO CAPITULATE ON A PROSPEROUS EUROPEAN DIGITAL ECONOMY TO SAFEGUARD THE FUNDAMENTAL RIGHT TO PRIVACY

**Dear Members of the Council of the European Union,**

Our societies and economies are fundamentally changing, with the digital revolution expected to have a more profound impact than the second industrial revolution in its time. The Digital revolution driven by advances in mobility, broadband, cloud computing, Industry 4.0, Internet of Things and Big Data Analytics - will profoundly transform and enrich people's lives. Remarkable opportunities for radical innovations are emerging across industries, public services and private life. By enabling new ways for people to create, learn, produce and innovate, data-driven technologies can have a long-term, sustainable and incredibly positive impact on our society and on our world.

However, technology cannot be expected to make it all happen on its own. You have important decisions to make: ones that will either suffocate technological development or drive a new wave of modernisation. This is why we must remind ourselves of [Manuel Castells' observation](#);

*"If society does not determine technology, it can, mainly through the state, suffocate its development. Or alternatively, again mainly by state intervention, it can embark on an accelerated process of technological modernization able to change the fate of economy and social well-being in a few years"*

And here we stand, as [data-driven innovations](#) drive us to "the cusp of a new era", as emphasized by the OECD, with enormous benefits that could "play a transformative role" for our society. So, it is time for you - our leaders to ask yourselves whether we can afford to give up the prosperity we could win by embracing these innovations.

Axel Voss's recent article, "[New General Data Protection Regulation is response to questions of past century](#)", recognises the role that governments have in setting the direction and the pace of technological progress. The article rightly points out that what is being proposed is not fit for purpose, it does not capture the rapidly changing nature of the information society nor the essence of data-based relationships. As Mr Voss writes; "...Europe will only survive if it can adapt to change... politics relating to data protection are currently the biggest problem .... Unfortunately we will not succeed in this reform given our current level of knowledge. The reason for this is that we have adopted the data protection structure of the last century."

Some leaders have already openly recognised that European data protection reform has taken a worrying and unaffordable turn. [Chancellor Angela Merkel](#) noted that "Europe is sleeping while data becomes the raw material of the 21st century". But, as we approach the self-imposed and non-binding deadline of 15 December for the conclusion of the trilogue negotiations, it is time for decision-makers to reflect upon the future for Europe they are about to decide on.

Commercial data processing is an indispensable part of today's European information society and will be even more so in the future. In many parts, the new General Data Protection Regulation (GDPR) sets parameters for tech businesses which will help achieve Europe's ambitions in securing its digital future while also protecting the fundamental right to privacy. Regrettably, however, some provisions of the GDPR will still seriously hinder the creation of a prosperous Digital Single Market while also having a negative impact on jobs, growth and the competitiveness of European economy. [We must ensure that we have a GDPR that:](#)

- Secures incentives to stimulate continued investment in data-driven innovation in Europe, through pragmatic regulation on consent, definition of personal data, appropriate recognition of pseudonymous data, and practical legal bases for processing;
- Sets a secure and flexible foundation for international data transfers that facilitates global collaboration and trade, and enables Europe to reap the benefits of the data economy and Internet of Things;
- Provides clear accountability to citizens and legal certainty for businesses by avoiding a confusing joint liability regimen, thereby securing a thriving European-based, data processing outsourcing industry;
- Creates proportionate, well-codified and harmonised sanction guidelines that punish non-compliance without discouraging data-driven innovation in Europe.

The Coalition appeals to your experience and professionalism to secure a high quality outcome without bowing to the pressure to prioritise speed over quality. **We urge you to endorse the outcomes identified above and refrain from voting for a General Position until the outcomes identified above are secured. We ask you to release yourselves from the self-imposed, non-binding deadline and not give up on the hope of a prosperous European Digital Economy.**

Yours sincerely,



Rene Summer  
Coalition Spokesperson

*In copy:*

Mr. Donald Tusk, President of the European Council  
Mr. Jean-Claude Juncker, President of the European Commission  
Mr. Martin Schulz, President of the European Parliament  
Mr. Andrus Ansip, Vice-President of the European Commission and Commissioner for the Digital Single Market  
Ms. Věra Jourová, Commissioner for Justice, Consumers and Gender Equality  
Mr. Günther H. Oettinger, Commissioner for Digital Economy and Society

## ABOUT THE COALITION

*Our Coalition is made up of nineteen European companies, from SMEs to Global Multinationals and non-profit organisations operating in a variety of sectors on a national, regional and global scale. With an aggregate turnover (2013) of over € 158 billion and some 752,000 employees worldwide, our footprint allows us to bring growth, progress and jobs to the EU's economy. Our membership includes...*

*... a global leader in power and automation solutions...*  
*... the leading Central and Eastern European e-commerce company...*  
*... a productivity solutions provider of compressors, vacuum solutions, construction and mining equipment...*  
*... a non-profit organisation dedicated to collecting money to prevent and combat child cancer diseases...*  
*... a global leader in household appliances...*  
*... two providers of communications technology and services...*  
*... a designer, engineer, manufacturer and distributor of outdoor power products...*  
*... an investment company...*  
*... a SME provider of online marketing through search engine marketing, conversion and lead generation...*  
*... an e-commerce company providing payment services for online storefronts...*  
*... an engineering group in tooling, materials technology, mining and construction ...*  
*... an enterprise software corporation...*  
*... a global provider of heavy trucks and buses, engines and services...*  
*... a global provider of renewable solutions in packaging, biomaterials, wood and paper...*  
*... the leading university in technology and digital arts programmes...*  
*... a provider of business software and services to more than 340 000 business in the Nordics...*  
*... a producer and distributor of trucks, buses and construction equipment...*  
*... the leading company in advanced mobile services...*

*Our businesses are profoundly different but deeply united by the need for clear roles and responsibilities, open cross-border data flows, balanced codified sanction guide lines, effective one stop shop and absence of overly prescriptive rules as fundamental conditions for long-term growth, competitiveness and prosperity, for both us and the economies in which we operate.*

For further information please visit us [www.europeandatacoalition.eu](http://www.europeandatacoalition.eu) or contact us at [info@europeandatacoalition.eu](mailto:info@europeandatacoalition.eu)