



**Computer & Communications  
Industry Association**  
Tech Advocacy Since 1972

# ACHIEVING A THRIVING TRANSATLANTIC DIGITAL MARKET

*Ten recommendations from the transatlantic tech industry*

## **1) Adopt Privacy Shield to restore certainty in transatlantic data flows**

CCIA encourages the swift adoption of Privacy Shield. Thousands of European and U.S. companies anticipate this strengthened data transfer framework to enable their commercial data transfers. Privacy Shield provides forceful enforcement procedures and new redress opportunities for consumers, notably the Ombudsperson mechanism.

## **2) End forced data localisation**

The global rise in national data localisation requirements fragments the global Internet, hampers innovation and raises prices for consumers and business. The EU and the U.S. should demonstrate global leadership by lifting and banning unjustified data localisation requirements unilaterally and, moreover, ensure the free flow of data in all of our own trade agreements.

## **3) Allow for innovation in online services**

EU and U.S. policy should recognise that we no longer have a digital economy, but an economy that is digital. Rather than focusing exclusively on possible new digital regulation, efforts should be directed at allowing ICT services to boost the competitiveness of the wider economy subject to generally applicable regulatory safeguards. Online services are regulated by a range of laws that apply to the economy at large including consumer protection, data protection and competition law. As an example, extending telecoms rules to online services makes no sense given that consumer and data protection already applies and there's a vibrant and competitive market with very different dynamics.

## **4) EU proposals and TTIP should be mutually reinforcing**

The EU's Digital Single Market package will have important international implications including on transatlantic trade. Our proposals should be legally interoperable and promote, rather than deteriorate, our transatlantic digital market. One important way to achieve that will be through close consultation with each other's expert agencies and stakeholders.

## **5) Ensure competitive telecoms markets**

Our transatlantic digital marketplace should incentivize investment and innovation by companies from all over the world and in all parts of the technology value chain. The EU and the U.S. should not favour local businesses over global competitors, and instead welcome competition. The FCC's proposed rulemaking on business data services, for example, is a welcome move as it will increase competition and lower consumer prices.



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## 6) Maintain robust intermediary liability protections

New legislation must not undermine online rights, including data protection and the right to information. The EU and the U.S. should recognise how their respective existing laws have enabled robust entrepreneurship and online innovation to flourish. Our laws limit liability but require online intermediaries to respond expeditiously, in appropriate circumstances, to allegations of user misconduct. We would oppose any disproportionate new regulation, which in the name of public security, could oblige intermediaries to actively surveil the activities of Internet users. The U.S. and the EU should jointly propose the inclusion of these limited liability principles in their trade agreements, including TTIP and TiSA.

## 7) Solve international conflicts of privacy and law enforcement laws

The EU and the U.S. should seek to solve legal conflicts arising from a global Internet and local legal frameworks. This includes law enforcement access to evidence stored outside of the home jurisdiction or the global application of local court rulings, such as the right to be forgotten. The EU and the U.S. should show global leadership by developing a coherent international legal framework for law enforcement cooperation complemented with strong privacy safeguards. This would benefit citizens, law enforcement and businesses.

## 8) Allow for strong encryption

Users demand strong end-to-end encryption to safeguard their sensitive personal data and corporate data from private and state-sponsored hacking, government mass surveillance and security breaches. The EU and the U.S. must avoid any proposals that would require companies to undermine the integrity and security of their products, infrastructure and services. Any government-mandated vulnerabilities would put our societies at greater risk and set dangerous global precedents.

## 9) Inclusive and transparent standardization process to ensure interoperability

CCIA welcomes and encourages the EU's ambition to join the U.S. in demonstrating global leadership by committing to an inclusive and transparent standardization process. It's key for industry, researchers and academia to be fully engaged in a ground-up process to agree on best practices, certifications and standards that will underpin the future of our industries and economies, including in areas such as autonomous driving, connected devices and robotics.

## 10) Fight for the multistakeholder Internet governance model

The EU and the U.S. are encouraged to reconfirm their full support for multi-stakeholder governance structures of the Internet that are inclusive, transparent, accountable and technically sound. As the oversight role of Internet Assigned Numbers Authority (IANA) is transitioned to the multistakeholder community, in a timely and successful manner, no single entity, company, organisation or government should seek to control the Internet.

### ABOUT CCIA

The Computer & Communications Industry Association is an international not-for-profit membership organization dedicated to innovation and enhancing society's access to information and communications. CCIA promotes open markets, open systems, open networks and full, fair and open competition in the computer, telecommunications and Internet industries.

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