

DI/DBC/24/10/1

Mr Frits Bolkestein
Member of the
European Commission
Rue de la Loi, 200
C107 6/25

B-1049 BRUXELLES

4 October 2001

Dear Mr Bolkestein,

Following earlier contacts with your officials and the approval of the European Commission's standard clauses for the transfer of personal data to third countries on 18 June 2001, UNICE has closely followed discussions which have led to the drafting of alternative standard clauses that we understand have previously been submitted to you by a broad cross-section of business interests both in the EU and around the globe*.

I take this opportunity to voice UNICE's full support of this alternative set of clauses, attached for ease of reference, which have been submitted for adoption as standard contractual clauses for controller to controller transfers of personal data under the European Data Protection Directive n° 95/46.

We believe these alternative clauses offer adequate protection and seek to:

- Meet the requirements of the EU Data Protection Directive;
- Draw as much as possible on the standard contractual clauses that have recently been endorsed at EU level;
- Draw on provisions that have been previously authorised by national data protection Commissioners;
- Find workable solutions to the concerns of the Article 29 Committee that businesses, both small and large, can implement and
- Build on the existing models developed and supported by the ICC and the CBI since the Directive came into force.

* International Chamber of Commerce (ICC), Confederation of British Industry (CBI), American Chambers of Commerce, Federation of European Direct Marketing (FEDMA), International Communications Round Table (ICRT), European Information and Communications Technology Industry Association (EICTA), Japan Business Council in Europe (JBCE)

We understand that this submission will not affect the authorisation of other standard contractual clauses, nor is it prejudged by those that have gone before. UNICE is of the opinion that these alternative standard contractual clauses complement clauses that have already been agreed or authorised and offer a viable model acceptable to the EEA's trading partners to ensure the protection of personal data transferred around the globe.

We look forward to your early consideration of these contractual provisions and would welcome being informed of further developments on this issue.

Yours sincerely,

(original signed by)
Daniela Israelachwili
Acting Secretary General

Cc: Mr John F. Mogg, Director General
Mrs. Susan Binns
Dr. Ulf Brühann

Encl.