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**BUSINESS CALLS ON EU TO QUICKLY ACCEPT NEW CONTRACTS FOR  
TRADE IN PERSONAL DATA**

UNICE, the Union of Industrial and Employers' Confederations of Europe, calls on the European Commission to accept a business-driven alternative to the Commission's own model of standard contractual clauses, which provide a legal basis for transferring personal data outside the EU. This alternative, presented to EC Internal Market Commissioner Frits Bolkestein by seven other business organisations\*, would remedy perceived defects in the Commission's own standard clauses, proposed on 15 June 2001.

While UNICE appreciates the Commission's efforts to provide legal certainty for business by adopting model contract clauses for data transfer, it is concerned about the potential effect that these clauses might have on international business operations if implemented as they stand today. Business believes the Commission's standard clauses impose responsibilities on data importers and exporters which exceed the "adequate level of data protection" required in the EU Data Protection Directive for international transfers.

The alternative clauses proposed by business are intended to provide just as high a level of data protection as the Commission's clauses, but using more flexible mechanisms that reflect business realities. For example, the clauses provide an alternative to the "joint and several liability" regime – or shared liability between exporters and importers – contained in the Commission's clauses, and include a "due diligence" responsibility on exporters in dealing with importers. A further safeguard allows exporters to carry out audits to check that data supplied is not being misused.

The fact that so many business organisations from around the world have joined forces in submitting and supporting the alternative clauses is a clear measure of the importance of a workable EU privacy regime for the world economy.

Note to the editor:

UNICE is the official voice of more than 16 million small, medium and large companies active in Europe, employing over 106 million people. Active in European affairs since 1958, UNICE's members are 33 central industrial and employers federations from 26 countries, working together to achieve growth and competitiveness in Europe.

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