



EUROCHAMBRES

GDPR: SMEs call for a period of grace

Support and guidance should be the primary focus of national enforcement authorities

Brussels, 15th May 2018 – In a joint letter to Commissioner Věra Jourová, UEAPME, EUROCHAMBRES and HOTREC ask the Commission to recommend, to Member States and to the national Data Protection Authorities, not to immediately impose fines on SMEs during the first year of application and to continue to invest in support and advice for small businesses.

All three organisations stress that they fully support the fundamental rights of EU citizens for the protection of personal data.

“Entrepreneurs care about their privacy and the privacy of others. That is why our member organisations at national, regional and sectoral level have provided a lot of information and advice during the two-year transition period to ensure compliance with the rules”, said **UEAPME President Ulrike Rabmer-Koller**. However, a lot of the guidelines and interpretative notes of the so-called Article 29 Working Party⁽¹⁾ were only issued in recent months. In addition most Member States are still not ready for the GDPR. This is creating a lot of uncertainty on the interpretation of the new regulation.

“We support the idea of a unified rule of law, but one cannot expect that SMEs be fully compliant with this extremely complicated legislation right from the start if those responsible for enforcement do not agree on its interpretation,” added Ms Rabmer-Koller. Therefore, the three organisations ask Commissioner Jourová to strongly recommend, to Member States and the National Data Protection Authorities, to invest in support and advice to SMEs and to commit, during the first year, to warn them in case of non-compliance and not to immediately impose fines. *“This is not about undermining EU legislation, but it is proven good practice of most of the law enforcement authorities,”* concluded Ms Rabmer-Koller.

“Micro-enterprises and SMEs are working hard to try to understand how they should implement the regulation properly. Nevertheless, at present stage, there is no legal certainty. This means, despite being a regulation, that the legislation might be interpreted differently at national level by Member States. In order to avoid unfair practices, a period of grace of one year seems a reasonable approach”, commented **HOTREC President Susanne Kraus-Winkler**.

“GDPR is a highly complex and important piece of EU legislation. It is also pioneering in several respects, so the eyes of the world are on the EU. This is another reason why it is crucial that we get it right, not just in terms of the legal text, but also in the way in which it is implemented and enforced. Our suggestions seem only reasonable given the delays in many Member States”, argued **EUROCHAMBRES President Christoph Leitl**.

(1) The Working Party is the independent European Union Advisory Body on Data Protection and Privacy, composed of representatives from each Member State, the European Data Protection Supervisor, and the representative of the European Commission.

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EDITORS' NOTES:

UEAPME is the employers' organisation representing Crafts and SMEs from the EU and accession countries at European level. UEAPME has 64 member organisations covering about 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. www.ueapme.com/ or follow [@UEAPME](https://twitter.com/UEAPME) on Twitter.

HOTREC represents the hotel, restaurant and café industry at European level. HOTREC brings together 43 national associations representing the interest of this industry in 30 different European countries. www.hotrec.eu

EUROCHAMBRES is the Association of European Chambers of Commerce and Industry represents over 20 million enterprises in Europe – 98% of which are SMEs – through members in 44 countries and a European network of 1700 regional and local Chambers. www.eurochambres.eu

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