

APPLiA's Response to the EDPB Recommendations



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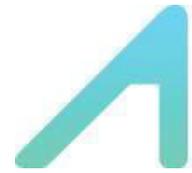
APPLiA's response to the EDPB Recommendations, in light of the Schrems II ruling

APPLiA acknowledges the work of the European Data Protection Board on its Recommendations for companies in light of the Schrems II ruling and repeal of the EU-US privacy shields, and puts great importance on the right to data privacy, as well as the importance of observing the GDPR. For European citizens, data privacy is a fundamental right. Nevertheless, APPLiA questions the negative impact the Recommendations could have on open digital ecosystems and accordingly, on the functionality of connected home appliances.

One of our key concerns revolves around the Recommendations' reliance on encryption as a solution to ensure privacy (as referenced in Use Case I, pg 22). For a connected appliance to complete a task commanded by a user, a message must travel through a complex digital ecosystem that often demands interoperability between several actors. Imposing a demand for all aspects of this process to be encrypted could disrupt this ecosystem, blocking the flow of data and preventing the process from taking place, rendering the "connected" functionality of the product redundant.

We also question the feasibility of asking European manufacturers, particularly small and medium-sized enterprises, to encrypt their data to such a degree that it is beyond the decrypting capabilities of a third-party government (as per Use Cases I & III). The European Parliament has repeatedly stated its goal of making Europe "fit for the digital age"¹, but assuming this level of encryption is even possible, most SMEs do not have the capacity or the funding to implement such measures, particularly if the decryption key must stay within the border of the EEA at all times.

¹ https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age_en



We also encourage the EDPB's Recommendations to better reflect the idea that the most appropriate additional safeguards for ensuring data privacy might not be technical in nature. As per the Schrems II ruling, contractual and organizational measures, rather than technical ones, are acceptable in many circumstances. Manufacturers should be trusted to ensure which types of additional measures are appropriate for the needs of their data transfers. Companies engage in various forms of data transfer, and a case-by-case analysis of their own transfers, taking into account the nature of the data, its sensitivity, how it will be processed etc., should allow them to choose the most suitable additional measures.

APPLiA, representing the home appliance sector in Europe, plays a significant role in driving digital innovation, aiming to enhance consumer comfort while simultaneously respecting Europeans' right to data privacy and ensuring state of the art cybersecurity. The EDPB's Recommendations must consider the globalized data network in which Europeans live and work, and should strike an appropriate balance that both ensures fundamental rights and allows European manufacturers to foster growth and innovation in a competitive digital global sphere.

APPLiA - Home Appliance Europe represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 50 billion, investing over EUR 1.4 billion in R&D activities and creating nearly 1 million jobs.

