

**Press Release: 19 May 2014**

**EDiMA's statement in reaction to the European Court of Justice's  
judgment in Case C-131/12**

**Brussels, 19/05/2014** – The European Court of Justice's landmark judgment in Case C-131/12 between Google and the Spanish data protection authority brings to light a major challenge to Europe in its quest for a modern, Internet-enabled economy. The judgment defines the boundaries around the fundamental right to privacy and freedom of expression and information.

EDiMA believes that it requires a fuller debate in European society and among EU legislators. The ECJ has identified the point of equilibrium provided for by the 1995 Data Protection Directive between competing policy objectives and rights – notably the right of erasure or to object of individuals against an operator of a search engine and the freedom of expression in the context of a search engine.

EDiMA believes that the judgment creates legal uncertainty for Internet companies when it comes to moderating and removing content placed on the Internet by others, because of the legal risks now associated with enabling free expression in situations where it may come at the expense of stricter data protection. This could affect the way Europe's digital innovation develops. In the judgment, the ECJ has failed to provide a full analysis of the competing interests and has given little guidance as to when the fundamental right to freedom of expression– and the right of society to know - will be protected.

Society has changed since 1995. EDiMA believes that with the ongoing reform of the EU legal framework for data protection, the European Union has an obligation to reassess where a more appropriate balance lies.

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**About EDiMA**

EDiMA is an alliance of new media and Internet companies whose members include Allegro, Amazon EU, Apple, eBay, Expedia, Facebook, Google, Microsoft, Nokia, Yahoo! Europe, and others. EDiMA's members provide Internet and new media platforms offering European consumers a wide range of online services, including E-content, media, E-commerce, communications and information/search services. EDiMA represents the interests of the new media and Internet sectors in Europe in policymaking.