

European and Global Challenges of Personal Data Protection

Under the patronages of Mr. Xavier BETTEL, Prime Minister of Luxembourg and Mr. Vassilios SKOURIS, President of the European Court of Justice

FRIDAY, SEPTEMBER 19 & SATURDAY, SEPTEMBER 20, 2014



LUXEMBOURG
LUXEMBOURG

Seminar organised by the UIA at the European Court of Justice
in cooperation with the Luxembourg Bar Association and Bonn & Schmitt law firm



The UIA would like to thank the following partners





Introduction

The European Court of Justice (ECJ) only opens its doors for rare events. However, this prestigious institution based in the Kirchberg district of Luxembourg is allowing the UIA Privacy & Rights of the Digital Person Commission to organise a seminar on data protection within the main courtroom of the ECJ. By two major rulings, on April 8, 2014 declaring Directive 2006/24/EC on data retention to be invalid and on May 13, 2014 in recognizing the right to be forgotten being applicable also for Internet search engine operators, the ECJ has asserted its role as the gatekeeper of data protection.

Personal data protection has never been so much at heart of European and global concerns. The on-going European reform on data protection has generated passionate debate in the European Parliament which demonstrates the growing interest in this issue. The reform objectives are numerous and sometimes difficult to reconcile.

The data protection controllers, data protection officers, compliance services, security managers and lawyers must prepare for this wide ranging reform and the changes ahead especially considering that the draft regulation provides for heavy administrative sanctions in cases of violation.

The stakes are high. In the course of the seminar, we shall offer a legal and practical approach regarding the principal evolutions of existing rules to help companies and lawyers to better understand them.

The seminar will be held under the patronage of Mr. Xavier BETTEL, Prime Minister of Luxembourg and Mr. Vassilios SKOURIS, President of the European Court of Justice. The Commissioner for Justice, Fundamental rights and Citizenship from European Commission, Martine REICHERTS will honour us by opening the seminar with a welcome speech. The Vice-President of Group 29, Mr. Gérard LOMMEL and Mr. Paul NEMITZ from the European commission will introduce the seminar. The European Data Protection Supervisor (EDPS) Peter HUSTINX will close the debate. The EDPS is an independent supervisory authority, devoted to protecting personal data and privacy and promoting good practice in the EU institutions and bodies.

Thursday | September 18 | 2014

18:00 – 21:00 WELCOME COCKTAIL & MUSEUM VISIT

**Musée d'Art Moderne Grand-Duc Jean, MUDAM,
architectural masterpiece of Leoh Ming Pei**

3, Park Dräi Eechelen
L-1499 Luxembourg

For security reasons, all participants should arrive at 8:15 am at the ECJ.

Friday | September | 19 | 2014

08:15 – 09:00 REGISTRATION OF PARTICIPANTS

European Court of Justice (ECJ)

Entrance: rue Charles Léon Hammes, L-2925 Luxembourg, Kirchberg
Main courtroom

IMPORTANT NOTE: For security reasons, you must bring your ID to be able to enter the building. Access will not be possible without your ID.

09:00 – 09:30 WELCOME BY THE PRESIDENT OF THE ECJ Mr. VASSILIOS SKOURIS

OPENING SPEECH:

- **Félix BRAZ**, Minister of Justice of Luxembourg
- **Martine REICHERTS**, Commissioner for Justice, Fundamental Rights and Citizenship, European Commission, Brussels, Belgium
- **Jean-Jacques UETTWILLER**, Attorney at Law, UIA First Vice-President and Director of Congresses, UGGC Avocats, Paris, France
- **Rosario GRASSO**, President of the Luxembourg Bar Association, Luxembourg
- **Gérard LOMMEL**, Vice-President of Group 29, President of CNPD, Luxembourg, Luxembourg

09:30 – 09:50 MAIN ORIENTATIONS OF THE REGULATION

- **Paul NEMITZ**, Director of Fundamental Rights and Citizenship of the European Union, Brussels, Belgium

09:50 – 10:50 FUNDAMENTAL RIGHTS AND EUROPEAN CASE LAW

Moderator: • **Marc JAEGER**, President of the Tribunal (European Union), Luxembourg

Speakers:

The ECJ case law on fundamental rights and data protection
• **Agostino Valerio PLACCO**, Legal adviser for administrative issues, ECJ, Luxembourg, Luxembourg

The data protection within the ECHR case law

- **Loredana TASSONE**, Lawyer at the European Court for Human Rights (ECHR), Forrer law firm, Strasbourg, France

Articles 7 and 8 of the Charter: two distinct fundamental rights

- **Christopher DOCKSEY**, Director of the European Data Protection Supervisor (EDPS), Brussels, Belgium

10:50 – 11:00 COFFEE BREAK

11:00 – 12:00 REGULATION'S TERRITORIAL SCOPE AND DATA TRANSFER ISSUES

Moderator: • **Marc GALLARDO MESEGUER**, Lawyer, President of the UIA Privacy & Rights of the Digital Person Commission, Lexing Spain, Barcelona, Spain

Speakers:

- **Judge Marko ILEŠIČ**, President of the 3rd Chamber of the ECJ, Luxembourg, Luxembourg
- **Paul NEMITZ**, Director of Fundamental Rights and Citizenship of the European Union, Brussels, Belgium

European Perspectives

- **Jean-François HENROTTE**, Lawyer, Vice-President of the UIA Privacy & Rights of the Digital Person Commission, Philippe & Partners, Liège, Belgium

12:00 – 13:00 HOW THE DATA SUBJECT'S RIGHTS ARE STRENGTHENED

Moderator: • **Christiane FERAL-SCHUHL**, Past President of the Paris Bar Association, Feral-Schuhl/Sainte-Marie, Paris, France

Speakers:

The right to information including data security breach, data controller and data officer roles, the data security

- **Elisabeth THOLE**, Lawyer, Vice-President of the UIA Privacy & Rights of the Digital Person Commission, Van Doorne, Amsterdam, The Netherlands

Contribution of the right to be forgotten, now right to erasure

- **Cécile DE TERWANGNE**, Professor at the University of Namur, Head of Research of the CRIDS, Namur, Belgium

Profiling: a challenge for data protection right

- **Alain GROSJEAN**, Lawyer, Vice-President of the UIA Privacy & Rights of the Digital Person Commission, Bonn & Schmitt, Luxembourg
- **Raphaël VINOT**, Security researcher, CIRCL, Luxembourg, Luxembourg

13:00 – 14:30 LUNCH

14:30 – 15:30 BANK, ONLINE PAYMENTS AND DATA PROTECTION

Moderator: • **Myriam QUEMENER**, Attorney General at the Versailles Appeal Court, specialised in cyber criminality, Paris, France

Speakers:

Prevention of fraud and outstanding accounts, risky subjects data base and personal data protection

- **Nathalie METALLINOS**, Lawyer, Bird & Bird, Paris, France

Online payments security and alternative payment methods

- **Jean-Pierre BORSA**, ABBL, Luxembourg, Luxembourg

Banking solution security

- **Olivier PERRIN**, Head of Payment Solutions, STERIA, Paris, France

15:30 – 15:50 COFFEE BREAK

15:50 – 17:15 DATA PROTECTION AND FINANCIAL SERVICES

Moderator: • **Alex SCHMITT**, Lawyer, Bonn & Schmitt, Luxembourg, Luxembourg

Speakers:

The challenges of automatic exchange of tax information and data protection

- **Lionel NOGUERA**, Lawyer, Bonn & Schmitt, Luxembourg, Luxembourg

Banking data protection in the era of NSA interceptions

- **Rosario GRASSO**, President of the Luxembourg Bar Association, Lawyer, Kleyr Grasso, Luxembourg, Luxembourg

The protection of data subjects' rights in financial services

- **Isabelle CHATELIER**, Head of Legislative Policy ad interim of the European Data Protection Supervisor (EDPS), Brussels, Belgium

17:15 – 17:30 CLOSING REMARKS: How Ensure the Effectiveness of Data Protection in the Post Snowden Era

- **Edouard GEFFRAY**, Secretary General, CNIL, Paris, France

20:00 OPTIONAL DINNER

Sofitel Kirchberg Atrium

4 rue du Fort Niedergrunewald, Quartier Européen Nord
Plateau de Kirchberg, L-2015 Luxembourg, Luxembourg

For security reasons, all participants should arrive at 8:30 am at the ECJ.

08:30 – 09:15 REGISTRATION OF PARTICIPANTS

European Court of Justice (ECJ)

Entrance: rue Charles Léon Hammes, L-2925 Luxembourg, Kirchberg
Main courtroom

IMPORTANT NOTE: For security reasons, you must bring your ID to be able to enter the building. Access will not be possible without your ID.

09:15 – 10:15 NEW COMPLIANCE CHALLENGES FOR DATA CONTROLLERS: TOWARDS AN INCREASED RESPONSABILITY

Moderator: • François MOYSE, Lawyer, Vice-President of the UIA Privacy & Rights of the Digital Person Commission, Counsellor to the UIA President, Di Stefano Moyse, Luxembourg, Luxembourg

Speakers:

Companies' liability regarding new technologies

• Gérard LOMMEL, Vice-President of Group 29, President of CNPD, Luxembourg, Luxembourg

The new role of regulatory authorities

• Sophie NERBONNE, Compliance Director, CNIL, Paris, France

Challenges for compliance with data subjects' rights

• María Verónica PÉREZ ASINARI, Head of Complaints and Litigation of the European Data Protection Supervisor (EDPS), Brussels, Belgium

10:15 – 10:30 COFFEE BREAK

10:30 – 12:20 DATA PROTECTION IN PRACTICE

Moderator: • Jean-Paul HORDIES, Lawyer, De Gaulle Fleurance & Associés, Lecturer at Sciences-Po, Paris, France

Speakers:

Implementation of Personal Data Protection programmes: approach and practical aspects

• Georgia SKOUMA, Legal Manager, Security & Privacy, Deloitte, Brussels, Belgium

Round table: How big companies apprehend the ongoing reform

• Olivier GOFFARD, Head of Group Compliance & Ethics, Euroclear Group, Brussels, Belgium

• Pierre DEWEZ, Director of Altirian, Luxembourg, Luxembourg

• Emmanuel CAUVIN, Group Data Protection Officer, Arcelor-Mittal, La Plaine Saint-Denis, France

• Jean-Manuel ROZAN, Co-founder and Chairman, Qwant, Paris, France

• Cornelia KUTTERER, Director of Regulatory Policy, Microsoft Europe Middle East and Africa, Brussels, Belgium

• Peter FLEISCHER, Global Privacy Counsel, Google France, Paris, France

12:20 – 12:40 CLOSING REMARKS

• Peter HUSTINX, European Data Protection Supervisor (EDPS), Brussels, Belgium

13:00 – 14:30 OPTIONAL LUNCH

NOVOTEL KIRCHBERG RESTAURANT

6, rue du Fort Niedergruenewald
Quartier Européen Nord, Plateau de Kirchberg
L-2015 Luxembourg, Luxembourg



Organising Committee

Marc GALLARDO MESEGUER

President of the UIA Privacy & Rights of the Digital Person Commission
Lexing Spain
Barcelona, Spain
T +34 93 476 40 48
E marc.gallardo@lexing.es

Alain GROSJEAN

Vice-President of the UIA Privacy & Rights of the Digital Person Commission
Bonn & Schmitt
Luxembourg, Luxembourg
T +352 27 855
E agrosjean@bonnschmitt.net

General Information

SEMINAR VENUE

EUROPEAN COURT OF JUSTICE (ECJ)

Entrance: rue Charles Léon Hammes, L-2925 Luxembourg, Kirchberg

IMPORTANT NOTE: *For security reasons, you must bring your ID to be able to enter the building. Access will not be possible without your ID.*

REGISTRATION FEES

	UIA Member		Non Member	
	≤ 30.08.2014	> 31.08.2014	≤ 30.08.2014	> 31.08.2014
STANDARD REGISTRATION	€ 250*	€ 300*	€ 300*	€ 350*
YOUNG LAWYER (<35)**	€ 200*	€ 250*	€ 250*	€ 300*
LAWYERS at the Luxembourg, Paris Lyon, Marseille, Brussels, Barcelona, Madrid, Frankfurt, Hong Kong and Mali BAR ASSOCIATIONS	€ 200*	€ 250*	€ 200*	€ 250*

*The VAT (15%) can be applied to the amount here above according to the European Directive 2006/12/CE of November 28, 2006. For more information, please contact the UIA.

**Please attach proof of age to the registration form to benefit from young lawyers fee.

These fees cover participation in the welcome cocktail on Thursday, September 18, participation in the seminar, coffee breaks, lunch on Friday, September 19, 2014, as well as the documentation of the seminar. The dinner on Friday night, September 19, as well as the optional lunch and the excursion on Saturday, September 20, are optional and at additional charge. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used for obtaining "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

The seminar is recognized as continuing legal education particularly by:

- the **Luxembourg Bar, 11 training points** have been granted for the participants
- the **French-speaking and German-speaking Bar Council** (Ordre des Barreaux Francophones et Germanophone – O.B.F.G.), **11 training points** have been granted for the participants

LANGUAGE

The working language will be in **French with simultaneous translation in English.**

HOTEL ROOM RESERVATION

A limited number of rooms has been pre-booked at a preferential rate. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible.

HOTEL ROOM RESERVATION

Hotels

Rates

SOFITEL Luxembourg Europe (5*) (at 750 meters from the ECJ)

4 rue du Fort Niedergrunewald	Single Superior Room	€ 175
Quartier Européen Nord	Double Superior Room	€ 195
2015 Luxembourg, Luxembourg	Single Deluxe Room	€ 195
T +352 24 87 72 06/F +352 26 48 02 23	Double Deluxe Room	€ 205
E H5555-RE@sofitel.com	Breakfast and taxes included	

Please download the hotel reservation form from our Website: www.uianet.org

NOVOTEL KIRCHBERG (4*)

(at 800 meters from the ECJ)

6 rue du Fort Niedergrunewald	Single Superior Room	€ 125
2226 Luxembourg, Luxembourg	Double Superior Room	€ 135
T +352 42 98 48 1/F +352 43 86 58	Single Executive Room	€ 145
E H1930@accor.com	Double Executive Room	€ 155
	Breakfast and taxes included	

Please download the hotel reservation form from our Website: www.uianet.org

MELIA HOTEL (4*) (at 800 meters from the ECJ) From 18.09 to 19.09.2014:

1 Park Draï Eechelen	Single Room	€ 155
L-1499 Luxembourg, Luxembourg	Double Room	€ 170
T +352 27 333 1	From 19.09 to 20.09.2014:	
F +352 27 333 999	Single Room	€ 100
E melia.luxembourg@melia.com	Double Room	€ 115
	Breakfast and taxes included	

Please download the hotel reservation form from our Website: www.uianet.org

CANCELLATION CONDITIONS

VISAS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than August 19, 2014**. No refund will be made for cancellations received after this date.

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than August 19, 2014** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and **total registration fees no later than August 19, 2014**.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

FORMALITIES

FORCE MAJEURE

“Force majeure” means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatever decreed by Governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

HEALTH

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).