

**Question for oral answer O-000120/2015
to the Commission**

Rule 128

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on behalf of the PPE Group

Subject: Consequences of the European Court of Justice ruling invalidating the US Safe Harbour decision

Pursuant to Directive 95/46/EC the Commission adopted on 26 July 2000 a Decision recognising the Safe Harbour Privacy Principles and Frequently Asked Questions issued by the US Department of Commerce as providing adequate protection for the purposes of personal data transfer from the EU, the so-called 'US Safe Harbour Decision'.

In a communication of 2013 the Commission recognised that Safe Harbour had become a vehicle for EU-US flows of personal data and identified deficiencies in transparency and enforcement of the arrangement, with specific persistent problems that were to be addressed in talks with US officials on 13 recommendations. The Commission and its US counterparts have been ploughing through prolonged negotiations for almost two years to strike a new renegotiated Safe Harbour deal, without success. Parliament has repeatedly called for the suspension of the US Safe Harbour Decision, including in its resolution of 12 March 2014¹.

On 6 October 2015 the European Court of Justice (ECJ) ruled the US Safe Harbour Decision invalid on the basis of the inadequate protection given to Europeans' data once transferred to the US.

What steps does the Commission envisage taking as a consequence to the ECJ ruling to urgently remedy the serious legal uncertainty and the lack of protection and safeguards for EU citizens' data transferred to the US?

How does the Commission envisage addressing the serious deficiencies and violations of EU citizens' rights raised by the ECJ in the framework of the ongoing negotiations of a revised Safe Harbour deal? Is it contemplating any other legal options to guarantee a higher level of data protection in transatlantic data flows?

What immediate action is the Commission considering to prevent the fragmentation of the EU market into a patchwork of different regimes across Europe and different interpretations of how EU citizens' data should be stored and used, which would be damaging for EU consumers and businesses? Is it considering issuing guidance to companies operating under the Safe Harbour framework on how essential and routine commercial activities can take place during the current legal vacuum?

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Forwarded: 9.10.2015

Deadline for reply: 16.10.2015

¹ European Parliament resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs (2013/2188(INI)).