



Procedure file

Basic information		
RSP - Resolutions on topical subjects	2016/2727(RSP)	Procedure completed
Resolution on transatlantic data flows		
Subject 1.20.09 Protection of privacy and data protection		
Geographical area United States		

Key players		
European Parliament European Commission	Commission DG	Commissioner
	Justice and Consumers	JOUROVÁ Věra

Key events			
25/05/2016	Debate in Parliament		
26/05/2016	Results of vote in Parliament		
26/05/2016	Decision by Parliament	T8-0233/2016	Summary
26/05/2016	End of procedure in Parliament		

Technical information	
Procedure reference	2016/2727(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Other legal basis	Rules of Procedure EP 132-p2
Stage reached in procedure	Procedure completed

Documentation gateway					
Motion for a resolution		B8-0622/2016	25/05/2016	EP	
Motion for a resolution		B8-0623/2016	25/05/2016	EP	
Motion for a resolution		B8-0633/2016	25/05/2016	EP	
Motion for a resolution		B8-0639/2016	25/05/2016	EP	
Motion for a resolution		B8-0642/2016	25/05/2016	EP	
Motion for a resolution		B8-0643/2016	25/05/2016	EP	
Motion for a resolution		B8-0644/2016	25/05/2016	EP	
Joint motion for resolution		RC-B8-0623/2016	25/05/2016		

Text adopted by Parliament, single reading	T8-0233/2016	26/05/2016	EP	Summary
Commission response to text adopted in plenary	SP(2016)539	12/10/2016	EC	

Resolution on transatlantic data flows

The European Parliament adopted by 501 votes to 119, with 31 abstentions, a resolution on transatlantic data flows.

The text was adopted in plenary by the EPP, S&D, ECR, ALDE and EFDD groups.

Members recalled that the European Court of Justice invalidated the [Safe Harbour decision](#) in its judgment of 6 October 2015 in Case C-362/14 Maximilian Schrems v Data Protection Commissioner and clarified that an adequate level of protection in a third country must be understood to be essentially equivalent to the protection provided in the Union.

Highlighting the importance of the transatlantic relationships, Parliament prompted the need to conclude negotiations on the EU-US Privacy Shield so as to ensure legal certainty on how personal data should be transferred from the EU to the US. Cross-border data flows between the United States and Europe are the highest in the world 50 % higher than data flows between the US and Asia and almost double the data flows between the US and Latin America.

Members stressed that a comprehensive solution between the US and the EU should respect the right to data protection and the right to privacy insisting that the Privacy Shield arrangement must be compliant with EU primary and secondary law and the relevant judgments of both the European Court of Justice and the European Court of Human Rights.

In this regard, Parliament welcomed:

- the efforts made by the Commission and the US Administration to achieve substantial improvements in the Privacy Shield compared to the Safe Harbour decision, in particular the insertion of key definitions such as personal data, processing and controller, the mechanisms set up to ensure oversight of the Privacy Shield list and the now mandatory external and internal compliance reviews of compliance;
- the introduction of the redress mechanism for individuals under the Privacy Shield. The Commission and the US Administration are called upon to address the current complexity in order to make the procedure user-friendly and effective;
- the appointment of an Ombudsperson in the US Department of State, who will work together with independent authorities to provide a response to EU supervisory authorities channelling individual requests in relation to government surveillance; considers however that this new institution is not sufficiently independent and is not vested with adequate powers to effectively exercise and enforce its duty;
- the prominent role given by the Privacy Shield framework to Member State data protection agencies in examining and investigating claims related to the protection of personal data under the EU Charter of Fundamental Rights and in suspending transfers of data, as well as the obligation placed on the US Department of Commerce to resolve such complaints.

The Commission is called upon to:

- fully implement the recommendations expressed by the Article 29 Working Party in its Opinion 01/2016 on the EU-US Privacy Shield draft adequacy decision;
- fulfil its responsibility under the Privacy Shield framework to conduct periodic robust reviews of its adequacy finding and the legal justifications thereof, in particular in the light of the application of the [new General Data Protection Regulation](#) in two years time;
- continue the dialogue with the US Administration in order to negotiate further improvements to the Privacy Shield arrangement in the light of its current deficiencies.