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Member of the European Commission

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Dear Mr Moraes,

Thank you for your letter of 28 June drawing my attention to press reports on the Commission's revised draft adequacy decision on the EU-U.S. Privacy Shield. .

I would like to clarify that the consolidated draft adequacy decision, including a complete version of its annexes (i.e. the documents agreed with the US that constitute the Privacy Shield), was transmitted to Member States (Article 31 committee) on Monday, 27 June. On the same day, Commission services then uploaded the full package (decision plus annexes) in the Comitology register.

I hope that this satisfactorily addresses your concerns. More generally, let me assure you that the Commission is mindful of the applicable rules, including the commitment to sincere and transparent cooperation between our two institutions, and that it takes them very seriously.

Let me also take the opportunity to inform you about what we have achieved following the publication of the original draft decision at the end of February. Further negotiations with the U.S. government and a revision of the draft decision have resulted in an overall package that provides a number of improvements and clarifications.

These reflect the various points raised by the European Parliament in its resolution of 24 May 2016, including: (i) further representations and assurances from the U.S. Office of the Director of National Intelligence (ODNI) on the limitations applicable in case of bulk collection, which show the difference to indiscriminate, mass surveillance; (ii) additional commitments strengthening the functional independence of the Ombudsperson and a further clarification of its cooperation with other independent oversight bodies with investigatory powers; (iii) a better explanation of the various alternative redress avenues available to individuals when they believe that a Privacy Shield company has not complied with its obligations under the Shield; (iv) a clear commitment on the side of the Commission to assess the level of protection provided by the Privacy Shield once the General Data Protection Regulation becomes applicable; (v) other improvements that address all of the central points raised by the Article 29 Working Party, including a new principle of limited data retention.

Mr Claude Moraes
European Parliament
Committee on Civil Liberties, Justice and Home Affairs
The Chairman
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Again, I hope that these further changes satisfactorily address your concerns.

The Commission intends to adopt the revised adequacy decision following the vote of the Article 31 committee on 8 July. Putting in place the EU-U.S. Privacy Shield is essential to ensure a high level of protection for EU individuals, while providing legal certainty for transatlantic commercial data flows.

The Commission is available to brief your committee in detail on the revised adequacy decision.

Yours sincerely,



Věra Jourová