



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Director-General

Brussels, 11/03/2016  
DG JUST/TA/Ares(2016)1305722

Mr. Giovanni Butarelli  
European Data Protection  
Supervisor  
Rue Montoyer 30  
Brussels

Dear Mr Butarelli,

I hereby wish to send to you the draft adequacy decision on the EU – U.S. Privacy Shield, as well as a new Commission Communication on "*Transatlantic Data Flows: Restoring Trust through Strong Safeguards*".

The enclosed package includes all the documents from the United States government pertaining to the new arrangement. They contain the binding commitments, representations and assurances, which, together with the overall U.S. legal framework, allow the Commission to propose an adequacy decision regarding the EU-US Privacy Shield.

The draft decision is being sent to the Article 29 Working Party for its opinion pursuant to Article 30(1)(b) of Directive 95/46/EC.

We would like to consult you on this draft decision and look forward to receiving your opinion. The draft decision would then go through the comitology procedure before it can be adopted by the European Commission, as an implementing measure, under Directive 95/46/EC.

The Commission Communication takes stock of how far we have come in fulfilling the objectives formulated in our Communication of November 2013<sup>1</sup>. We have made significant improvements in the protection of personal data of EU citizens, through the conclusion of the EU data protection reform as well as the draft agreements with the US. In particular, we have achieved an important change in the U.S. legislation by the adoption of the Judicial Redress Act, which was signed into law by President Obama on 24<sup>th</sup> of February. The effective enjoyment of these rights by Europeans is subject to the ratification by the EU of the EU-U.S. "Umbrella" Agreement.

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<sup>1</sup> Communication from the Commission to the European Parliament and the Council: Rebuilding Trust in EU-US Data Flows, COM(2013) 846final of 27.11.2013.

As this is an international agreement, the Commission will soon propose to the Council to adopt the decision enabling the signature of the agreement. Thereafter, the agreement will be submitted to the European Parliament for its consent.

I look forward to hearing from you.

Yours sincerely,



Tiina ASTOLA