



EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

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DRAFT PROGRAMME

Hearing

The new EU-US Privacy Shield for commercial transfers of EU personal data to the US

Thursday 17 March 2016, 15.00 to 18.30

European Parliament, Brussels

Room: József Antall (JAN) 6Q2

Background

On 6 October 2015, the European Court of Justice declared invalid the Commission Decision of 26 July 2000 on the adequacy of the US Safe Harbour put in place by the US Department of Commerce¹, on the grounds that it failed to ensure the adequate level of protection of data subjects required by Article 25(6) of Directive 95/46/EC read in the light of Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union. The Court ruled that *"even though the means to which that [a] third country has recourse, ..., for the purpose of ensuring such a level of protection may differ from those employed within the European Union in order to ensure that the requirements stemming from Directive 95/46 read in the light of the Charter are complied with, those means must nevertheless prove, in practice, effective in order to ensure protection essentially equivalent to that guaranteed within the European Union"*. The Court found that, in particular, as regards the "national security, public interest, or law enforcement requirements" exception to the Safe Harbour Principles, the Commission had not demonstrated the existence of appropriate limitations, safeguards and legal remedies with regard to the fundamental rights of individuals. It also found that the Commission Decision limited the powers of intervention of the Data Protection Authorities in a manner incompatible with Directive 95/46/EC read in the light of the Charter.

After two years of negotiations, the European Commission and the U.S Department of Commerce reached on 2 February 2016 a political agreement on a "New framework for transatlantic exchanges of personal data for commercial purposes: the EU-US Privacy Shield" which seeks to replace the previous US Safe Harbour. On 29 February 2016 the Commission published a Communication², a draft "adequacy decision" of the Commission and the texts that will constitute the EU-US Privacy Shield. The Commission intends to adopt a decision declaring the adequate level of protection of this arrangement, after having consulted the Article 29 Working Party, the European Data Protection Supervisor and obtained the Opinion of the Committee established by Article 31 of Directive 95/46/EC.

¹ Case C-362/14, Maximilian Schrems v; Data Protection Commissioner.

² COM(2016)117 final, 29.2.2016

Order of business

15.00 – 15.05 **Opening remarks by Mr Claude MORAES**, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

FIRST SESSION: Presentation of the EU-US Privacy Shield

15.05 – 17.00

a) The EU and US negotiators

15.05 – 15.20 **European Commission**

Director General of DG Justice and Consumers **Ms Tiina ASTOLA**,
Deputy Director General of DG Justice and Consumers **Mr Francisco FONSECA**,
Head of Data Protection Unit (DG Just) **Mr Bruno GENCARELLI**

15.20 – 15.45 **US representatives**

Deputy Assistant Secretary for Services Mr **Ted DEAN** (Department of Commerce)

Acting Under Secretary Mr **Justin ANTONIPILLAI** (Department of Commerce)

15:45 – 16:20 Q&A session

b) EU Data Protection Authorities

16.20 – 16.30 Art 29 Working Party: Ms **Isabelle FALQUE-PIERROTIN**, Chair of Art 29 WP, President of the CNIL

16.30 – 16:40 European Data Protection Supervisor: Mr. **Giovanni BUTTARELLI**

16:40 – 17:00 Q&A session

SECOND SESSION

Views from private entities, organisations and scholars

17.00 – 18.25

17.00 – 17.45 Presentations by:

– Mr **John HIGGINS**, Director General DigitalEurope (7 min)

– Mr **Marc ROTENBERG**, Georgetown University Law Center (7 min)

– Ms **Bojana BELLAMY**, The Centre for Information Policy Leadership (CIPL) (7min)

– Mr **Max SCHREMS** (7min)

– Mr **Simon SCHAEFER**, CEO, Founder, Factory for start-ups (7 min)

– Mr **David MARTIN**, Bureau Européen des Unions de Consommateurs (BEUC) (7min)

17.45 – 18.25 Q&A session

18.25 – 18.30 **Closing remarks by Mr Claude MORAES, Chair**

Annex

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE MEETING

This meeting is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the secretariat (libe-secretariat@europarl.europa.eu) **before 15 March at noon**. It is essential to provide us with your **last name, first name, date of birth, nationality, type of ID (passport, identity card, driving licence, etc.), number of ID**. Without this information, the Security Service will not provide entry passes.¹

PRACTICAL GUIDELINES FOR THE DEBATE

- *During the discussion, so as to make it possible for the highest number of parliamentarians to intervene, speaking time of speakers will be strictly limited to **the specified time allocated** and speaking time of the Members to **two minutes** per contribution or question in order to ensure a fruitful discussion.*
- *Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (email: libe-secretariat@europarl.europa.eu). These documents will be circulated during the meeting.*
- *Meeting documents will be progressively added to the Events section of the LIBE Committee pages: <http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE> and to the WebNP event webpage: <http://www.europarl.europa.eu/webnp/cms/lang/en/pid/1863>*

THE MEETING IS BROADCASTED LIVE AND RECORDED

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ADDITIONAL INFORMATION

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¹ The processing of personal data is subject to Regulation (EC) No 45/2001 of 18 December 2001 (OJ.L 8 12.1.2001, p. 1)