(English version)

Question for written answer E-001445/25
to the Commission
Moritz Körner (Renew)
(9 April 2025)

Subject: Data flows

1. Since January 2025, are all safeguards concerning all data flows and data exchanges between the EU and the United States still in place? If not, which ones are not and why?

2. What has the Commission done since January 2025 to have the safeguards reinstated?

Submitted: 9.4.2025

Answer given by Mr McGrath on behalf of the European Commission
(12 June 2025)

The Commission refers the Honourable Member to the answer given to Written Question E-000520/2025 ([1]) in which it has addressed the issues raised in his question.

In particular, in its answer, the Commission explained that Executive Order 14086 (EO 14086) ([2]) adopted by the President of the United States (US) continues to be in place and to provide key safeguards on which the adequacy decision on the EU-US Data Privacy Framework ([3]) is based.

EO 14086 notably ensures that access to and use of personal data of Europeans by US intelligence agencies is limited to what is necessary and proportionate in pursuit of defined national security objectives.

Moreover, EO 14086 established a Data Protection Review Court, with binding investigatory and remedial powers, to which EU citizens have access.

As regards the dismissal of some members of the Privacy Civil Liberties Oversight Board (PCLOB), the Commission's answers referred to the official statement published by the PCLOB on 27 January 2025 that clarifies that, even when it does not have a quorum, it retains its 'significant ability to continue functioning with its full staff and remaining member […] to continue the Board's important missions, including its advice and oversight functions, and its current projects' ([4]). Also, a US Court recently ruled in favour of the dismissed members and reinstated them ([5]).

The Commission is in close contact with the relevant US authorities and other relevant stakeholders. The Commission will continue to monitor relevant developments and assess their potential impact.

More generally, as regards any adequacy decision, the Commission has the power to propose its suspension, amendment or repeal if it concludes that the required level of protection is no longer ensured.

([1]) https://www.europarl.europa.eu/doceo/document/E-10-2025-000520-ASW_EN.html.
([2]) Executive Order 14086 on 'Enhancing Safeguards for United States Signals Intelligence Activities'.
([3]) https://commission.europa.eu/document/fa09cbad-dd7d-4684-ae60-be03fcb0fddf_en.
([4]) As further explained in the answer to written questions E-000520/2025 and E-000540/2025, the Board has been established by a law adopted by Congress providing that it is composed of five members appointed by the President and confirmed by the Senate. It also requires bi-partisan membership as no more than three members can be of the same political party.
The press release can be found here: https://documents.pclob.gov/prod/Documents/EventsAndPress/994df0d6-6bae-4284-a95f-3f3699e0a0f0/PCLOB%20press%20release%20(1-27-25)%20-%20508%20Complete.pdf.
([5]) United States District Court For The District Of Columbia — Civil Action No 25-542 (RBW) of 21 May 2025.