

EN
E-000317/2026
Answer given by Mr Hoekstra
on behalf of the European Commission
(24.4.2026)

The question of whether the application of the Foreign Account Tax Compliance Act (FATCA) agreement between Belgium and the United States (US) is consistent with EU law, in particular with the General Data Protection Regulation (GDPR)¹, is currently pending with the Court of Justice of the European Union for a preliminary ruling based on a decision by the Brussels Market Court of 26 November 2025 (case C-804/25).

It must be recalled that FATCA Agreements are bilateral agreements concluded between each Member State of the EU and the US. As the EU is not a party to these agreements, the Commission is not entitled to discuss or negotiate amendments to them with the US.

The EU-US Joint Statement of 21 August 2025² defines the main elements of the ongoing engagement in the area of trade between the EU and US. Tax matters are not covered by this framework for cooperation.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, pp. 1–88.

² https://policy.trade.ec.europa.eu/news/joint-statement-united-states-european-union-framework-agreement-reciprocal-fair-and-balanced-trade-2025-08-21_en.