



EUROPEAN COMMISSION

*Brussels, 4.6.2014
C(2014) 3691 final*

Dear President,

The Commission would like to thank the Senát for its Opinion concerning the Commission's Communication on Rebuilding Trust in EU-US Data Flows {COM (2013) 846 final}.

In particular, the Commission agrees that the issue of personal data protection is an important area to citizens not only of the Czech Republic but across the whole Union. The Commission welcomes the Senát's support for EU-US co-operation in the field of personal data protection, and is fully in agreement with the Senát's observation that the regulation of collecting, transferring, using or otherwise processing personal data is an essential guarantee of the fundamental right to protection of personal data, as set forth in the EU Charter of Fundamental Rights. Ensuring its continuous protection including when data is transferred outside of the EU is an important element of co-operation in law enforcement.

In particular, the Commission welcomes the Senát's support for the actions and measures set out in the Communication to restore and maintain mutual trust in data flows between the EU and the US.

The Commission in its negotiations with the US of an "umbrella agreement" aims to achieve a high level of protection equally and through enforceable rights to citizens of both the United States and the European Union. The Commission takes note of the Senát's concerns regarding procedural safeguards for citizens, whose data is processed, including rights of access, rectification and erasure and rights to obtain administrative and judicial redress. It is the Commission's position that such safeguards are a pre-requisite for the conclusion of the EU-US data protection agreement.

The Commission also takes note of the Senát's remarks on its proposals for a General Data Protection Regulation and for a Data Protection Directive for police and criminal justice authorities. The Commission welcomes the Senát's observations on the need to reform the current EU data protection framework, in particular to adapt it to rapid technological developments. The Commission notes the concerns expressed by the Senát in this Opinion

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and in its Opinion of 24 May 2012 about the proposed Directive¹ and requesting further clarifications as to the reasons for replacing the current Directive 95/46/EC by a Regulation. On this matter the Commission refers to the detailed points provided in its reply of 18 March 2013 to the Senát.

The Commission hopes that these clarifications address the issues raised by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

¹ COM(2012)10