

# European Parliamentarians React Positively to ECJ Invalidation of U.S. Safe Harbour

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In the first public debate in the European Parliament to take place to date, Members of the European Parliament have expressed their support for the 6 October 2015 judgement of the European Court of Justice (ECJ) invalidating the Safe Harbour Decision that had allowed companies to process personal data from the European Union (EU) in the United States since 2000. In *Maximillian Schrems v. Data Protection Commissioner*, the ECJ concluded that the general access to the content of electronic communications by U.S. intelligence authorities violates the fundamental right to respect of private life guaranteed to EU citizens and that the U.S. system therefore failed to meet the required level of data protection under EU law. Parliamentarians expressed their initial views in a meeting of the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee on Monday, 12 October, at which the European Commission Legal Services presented the Schrems judgement.

While the basis of the ECJ's judgement has been criticized as "weak" by numerous legal practitioners, Members of the European Parliament who offered comments unanimously supported the ruling. Members from the European United Left, Liberal Democrats, and Greens parties underlined their views that the Safe Harbour Decision was not in line with the EU Charter of Fundamental Rights and criticized the European Commission for not taking responsibility and action earlier.

Members of the Green party rejected the notion of a quickly renegotiated "Safe Harbour Plus" and left-wing Members insisted that the United States be held to the same standards as any other third country. Members claimed that negotiations between the European Commission and U.S. authorities are too secretive and called on the Commission to fully inform the European Parliament concerning these discussions. A Member from the Liberal Democrats party also suggested that national authorities are better equipped to evaluate the adequacy of third country data protection systems than the European Commission. A further exchange of views between Parliamentarians and Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality, is scheduled for the LIBE Committee meeting on Monday, 26 October 2015.