

Committee on Civil Liberties, Justice and Home Affairs
The Chairman

IPOL-COM-LIBE D (2014) 44818

Ms Françoise Le Bail
Director General DG Justice
European Commission
MO59 08/010
BRUSSELS

314924 29.09.2014

Subject: EU-US agreement on data protection in the cases of exchanges of personal data for law enforcement purposes (Umbrella Agreement)

Dear Ms Le Bail,

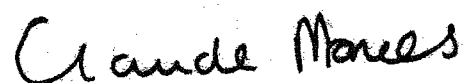
I am contacting you with regard to the EU-US agreement on data protection in the cases of exchanges of personal data for law enforcement purposes (Umbrella Agreement), which is currently under negotiation and for which the LIBE Committee is the competent committee of the Parliament.

On Tuesday 16 September 2014 the rapporteur and shadow rapporteurs agreed to request prior information to the Commission on the following questions:

- How does this draft agreement relate to other legal instruments governing the transfer of data to non-EU countries either concluded at Union or Member States level?
- Could you provide a list of all the agreements which should be covered by the "Umbrella agreement"?
- What should be the legal relation (and legal impact) between this agreement and the Data Protection package under negotiation?
- What should be the legal basis for the "Umbrella agreement" under negotiation apart from the procedural legal basis of Article 218 TFEU?
- How does the Commission assess the impact of the recent ECJ Judgment on Data Retention (and specifically its reasoning around the proportionality and necessity test) on this agreement?
- What is the definition of "national security" in the context of this agreement?

I would appreciate if the Commission could provide written answers to these questions by 17 October 2014.

Yours sincerely,

A handwritten signature in black ink that reads "Claude Moraes". The signature is written in a cursive, slightly slanted style.

Claude MORAES

Cc: Jan Philipp Albrecht, MEP