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**NOTE**

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From: Commission services  
To: Delegations

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Subject: Information note from the European Commission services following the stock-taking meeting with the US on an EU-US Agreement on cross-border access to electronic evidence, 26 March 2021

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Delegations will find in the Annex an Information Note from the Commission on the above mentioned subject.

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**Information note from the European Commission services following the stock-taking meeting with the US on an EU-US Agreement on cross-border access to electronic evidence, 26 March 2021**

The purpose of this information note is to inform the European Parliament and the Council on the state of play of negotiations of an EU-US Agreement on cross-border access to electronic evidence.

The Commission held a stock-taking meeting on the 26<sup>th</sup> March 2021 with the US ahead of the forthcoming EU-U.S. Justice and Home Affairs Senior Officials Meeting on 14-15 April 2021 (which will be held in VTC). The EU side was represented by representatives from DG JUST, DG HOME, EEAS, LS and SG. The US side was represented by the Department of Justice and the Department of State. The US mission in Brussels and the EU Delegation in Washington also attended.

At the meeting the EU and US side took stock of developments since the last negotiating round in March 2020.

The US updated the EU side on the state of play on the U.S. CLOUD Act including implementation of the US-UK agreement and on negotiations with third States under the CLOUD Act. The US informed that the US-UK agreement had not entered into force yet, as there were a number of pending issues still to be addressed. As for Australia, the US informed work was ongoing and the US was optimistic things would move forward. The US also informed they were looking at opening negotiations with other third countries, without giving further details.

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The EU shortly briefed on the state of play on the on-going negotiations on the EU internal rules on the e-evidence package. It informed on the existing timeline and that so far discussions with co-legislators had focussed on the definitions of service providers and data categories. The Commission underlined the relationship between the negotiations for an EU-US Agreement and the EU-internal rules on cross-border access to e-evidence.

At the meeting, the importance of the negotiations was underlined by both sides. The two sides agreed to touch base in June before the next EU-US Ministerial to discuss the possible way ahead.

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