



Parliamentary questions

15 November 2013

E-012992-13

[Question for written answer
to the Commission](#)

[Rule 117](#)

[Christine De Veyrac \(PPE\)](#)

► **Subject: No-spying agreement with the United States**

 [Answer\(s\)](#)

Since the revelations in June regarding the Prism surveillance programme operated by the NSA, the American National Security Agency, the relationship between the EU and the United States has been a veritable saga.

The scandals concerning spying and the alleged failures to respect privacy and personal data were plentiful and undermined relations between these two partners.

Nevertheless, in order to respond to these revelations, Germany has recently declared itself in a position to shortly enter into an agreement committing the two countries not to spy on one another. This agreement should be concluded at the beginning of next week.

However, all EU countries are affected by these scandals concerning spying on our fellow citizens and governments. It therefore seems legitimate for the European Union to assert itself as a major player on the international scene, successfully protecting the fundamental liberties of its citizens.

Does the Commission intend to take the necessary steps to achieve a global no-spying agreement between the European Union and the United States and thus prevent each Member State from having to conclude such an agreement with this country bilaterally?

Original language of question: **FR**



Parliamentary questions

16 January 2014

E-012992/2013

Answer given by High-Representative/Vice-President Ashton on behalf of the Commission

Following press reports on surveillance programmes such as PRISM, which enable access and processing, on a large scale, of data of Europeans, the European Union has engaged with the United States a dialogue on data protection aspects falling under its competence.

The Commission has requested clarifications from the US Government regarding the programmes reported in the media and their potential impact on the fundamental rights of EU citizens. An ad-hoc high-level EU-US working group on data protection was set up to examine these issues further. On 27 November 2013, on the basis of the findings of this working group⁽¹⁾, the Commission adopted a package⁽²⁾ on rebuilding trust in transatlantic data flows with recommendations on how to address the concerns of citizens raised by these revelations.

It is important to underline that, according to Article 16(1) of the Treaty on the functioning of the European Union, every European citizen has the right to the protection of personal data concerning them. However, pursuant to Article 4(2) of the Treaty on the European Union, national security remains the sole responsibility of each Member State. As a consequence, it seems difficult at the stake to find appropriate measures concerning the protection of personal data in a case concerning a third country like the United States. At the moment, the EU does not intend to undertake negotiations on a 'no-spy' agreement with the United States.

(1) Report on the findings by the EU Co-chairs of the ad hoc EU-US Working Group on Data Protection available at: <http://ec.europa.eu/justice/data-protection/files/report-findings-of-the-ad-hoc-eu-us-working-group-on-data-protection.pdf>

(2) Communication from the Commission to the European Parliament and the Council: Rebuilding Trust in EU-US Data Flows, COM(2013) 846. Communication from the Commission to the European Parliament and the Council on the Functioning of the Safe Harbour from the Perspective of EU Citizens and Companies Established in the EU, COM(2013) 847.