



Opening remarks by Vice-President Jourová and Commissioner Reynders at the press point following the judgment in case C-311/18 Facebook Ireland and Schrems

Brussels, 16 July 2020

Vice-President Jourová

The Court of Justice declared the Privacy Shield decision invalid, but also confirmed that the standard contractual clauses remain a valid tool for the transfer of personal data to processors established in third countries.

This means that the transatlantic data flows can continue, based on the broad toolbox for international transfers provided by the GDPR, for instance binding corporate rules or Standard Contractual Clauses.

In its judgment today, the Court of Justice of the European Union once again underlined that the right of European citizens to data protection is absolutely fundamental.

It confirms also what the Commission has said many times and what we have been working on: **When personal data travels abroad from Europe, it must remain safe.**

I know citizens and businesses are seeking reassurance today on both sides of the Atlantic. So let me be clear: we will continue our work to ensure the continuity of safe data flows.

We will do this:

- in line with today's judgment
- in full respect of EU law
- and in line with the fundamental rights of citizens.

We strongly believe that in the globalised world of today, it is essential to have a broad toolbox for international transfers while ensuring a high level of protection for personal data.

We are not starting from scratch. On the contrary, the Commission has already been working intensively to ensure that this toolbox is fit for purpose, including the modernisation of the Standard Contractual Clauses.

Didier will provide you with more details on this work.

We will now swiftly finalise it, also in consultation with the European Data Protection Board or Data Protection Authorities.

Today's ruling provides further valuable guidance for us and we will make sure that the updated tool will be fully in line with it.

We have also regularly monitored the implementation of the Privacy Shield and published annual reports where we identified both positive aspects and certain deficiencies.

Finally, we will be working closely with our American counterparts, based on today's ruling. Both Didier and I have been in contact with U.S. Commerce Secretary Wilbur Ross in the past days.

I see this an opportunity for the European Union to continue the dialogue with our American partners; and I see it as an opportunity to engage in solutions that reflect the values we share as democratic societies.

We now need some time to look in detail at this ruling, but our priorities are very clear:

One: Guaranteeing the protection of personal data transferred across the Atlantic;

Two: Working constructively with our American counterparts with an aim of ensuring safe transatlantic data flows.

Three: Working with the European Data Protection Board and national data protection authorities to ensure our international data transfer toolbox is fit for purpose.

Commissioner Reynders

I would just like to add a few words as Commissioner for Justice, because in such a capacity, it is both my duty and my firm commitment to ensure respect of rule of law as well as the protection of personal data of EU citizens.

I'm very attached to the rule of law. This starts here, in Brussels, in the European institutions: we will do everything that will be necessary to comply with the decision of our highest court.

Respect for rule of law is not limited to Brussels or to this side of the Atlantic. There is a shared commitment with our US counterparts to respect the rule of law and protect citizens' fundamental rights as these are fundamental values for our democratic societies.

It goes without saying that we need time, a bit more than a couple of hours, to analyse the judgment in more detail and carefully assess its implications and next steps.

Meanwhile, I would just like to make two short remarks.

First, I welcome the fact that the Court confirmed the validity of our Decision on **Standard Contractual Clauses**.

We have been working already for some time on modernising these clauses and ensuring that our toolbox for international data transfers is fit for purpose.

Standard Contractual Clauses are in fact the most used tool for international transfers of personal data and we wanted to ensure they can be used by businesses and fully in line with EU law.

We are now advanced with this work and we will of course take into account the requirements of judgement.

We will work with the European Data Protection Board, as well as the 27 EU Member States. It will be very important to start the process to have a formal approval to modernise the Standard Contractual Clauses as soon as possible. We have been in an ongoing process about such a modernisation for some time, but with an attention to the different elements of the decision of the Court today. My second point: The Court has invalidated the Privacy Shield. We have to study the judgement in detail and carefully assess the consequences of this invalidation.

I have already spoken, like our Vice-President Vera Jourova, with our U.S. counterparts this week. But we have started since some time to discuss about the way forward. It was the case for the first time during the first transatlantic bilateral dialogue in December last year with the Attorney General William Barr, and we will continue to work on it. We will be in contact also in the coming days and look forward to working constructively with them to develop a strengthened and durable transfer mechanism. There are some contacts for the next days, and tomorrow, normally we will have a contact with Wilbur Ross to discuss about the way forward.

In the meantime, transatlantic data flows between companies can continue using other mechanisms for international transfers of personal data available under the GDPR.

We will work together with the national data protection to ensure a swift and coordinate response to the judgement. This is essential to provide European citizens and businesses with legal certainty.

And again, we are in contact with all the different partners to see how it is possible to go forward. But of course we will now analyse in detail the decision of the Court and we are committed to putting into place all the necessary measures to implement the decision of the Court.

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