

Mass surveillance: EU citizens' rights still in danger, MEPs say

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Too little has been done to ensure that citizens' rights are protected following revelations of electronic mass surveillance, say civil liberties MEPs in a resolution passed on Tuesday. They urge the Commission to come up immediately with alternatives to Safe Harbour, following the ruling by the European Court of Justice. They are also concerned about the surveillance laws in several EU countries.

"The European Parliament's inquiry into the revelations by Edward Snowden of electronic mass surveillance was the most comprehensive investigation completed to date. Not only did the report call for an immediate end to indiscriminate mass surveillance practices by intelligence services both in the EU and the US, but it also set out a roadmap for further action in this area. Following this inquiry, there is widespread agreement that something has gone wrong with the way that intelligence agencies and others have acted. Work needs to continue to ensure that civil liberties are defended on the internet too," said the civil liberties committee chair and rapporteur on mass surveillance, Claude Moraes (S&D, UK).

The resolution takes stock of the action (or lack of action) by the European Commission, other EU institutions and member states to follow up the recommendations set out by Parliament in its [resolution of 12 March 2014 on the electronic mass surveillance of EU citizens](#).

Safe Harbour: alternatives must ensure an effective level of data protection

MEPs welcome the 6 October [ruling by the European Court of Justice \(ECJ\)](#) in the Schrems case, invalidating the Commission's decision that [Safe Harbour](#) provides sufficient protection for the data of EU citizens when it is transferred to the US, thus vindicating Parliament's long-standing concerns about the agreement. The Commission must immediately take the necessary measures "to ensure an effective level of protection" equivalent to the protection ensured in the EU, they say.

They protest that Parliament has received no formal feedback from the Commission regarding the implementation of the 13 recommendations for a "safer" Safe Harbour, and stress that "it is now urgent that the Commission provide a thorough update on the negotiations thus far and the impact of the judgement on the further negotiations."

They also invite the Commission to reflect "immediately" on alternatives to Safe Harbour and on the "impact of the judgement" on any other instruments used for the transfer of personal data to the US and report on it by the end of 2015.

Time to act or face the consequences, MEPs tell the Commission

MEPs consider the Commission's reaction to Parliament's 2014 resolution "so far highly inadequate" given the extent of the revelations of mass surveillance. "EU citizens' fundamental rights remain in danger" and "too little has been done to ensure their full protection," MEPs say.

They call on the Commission "to act on the calls made in the resolution by December 2015 at the latest", reserving "the right to bring an action for failure to act or to place certain budgetary resources for the Commission in a reserve until all recommendations have been properly addressed".

Press release

Concerns over surveillance laws in several EU countries

MEPs are concerned by "some of the recent laws in some member states that extend the surveillance capabilities of intelligence bodies", including in France, the UK and the Netherlands. They are also worried about the revelations of mass surveillance of telecommunications and internet traffic inside the EU by the German foreign intelligence agency BND in cooperation with the US National Security Agency (NSA).

On the US side, the committee welcomes the recent legislative and judicial decisions to limit mass surveillance by the NSA, such as the adoption of the USA FREEDOM Act and the ruling of the Second Circuit Court of Appeals on the NSA's telephone record collection programme. It regrets, however, that "these decisions focus mainly on US persons while the situation of EU citizens remains the same".

Protection for whistleblowers and journalists

MEPs regret that the Commission has not responded to Parliament's request to carry out a study on a comprehensive "European Whistleblower protection programme" and calls on it to present a communication on this by the end of 2016 at the latest.

The resolution also calls for a European strategy for greater IT independence to increase EU IT security and online privacy, and stresses the need to ensure meaningful democratic oversight of intelligence activities and to rebuild trust with the US.

In the chair: Claude Moraes (S&D, UK)

Result of the vote: 28 votes in favour, 20 against and 3 abstentions

Further information

- Statement by Claude Moraes, Civil Liberties Committee Chair and rapporteur
: <http://audiovisual.europarl.europa.eu/Assetdetail.aspx?ref=1110344>
- Press release - Statement from Civil Liberties Committee Chair, Claude Moraes (S&D, UK), on the ECJ ruling on Safe Harbour : <http://www.europarl.europa.eu/news/en/news-room/content/20151005IPR95831/html/Data-deal-with-US-must-be-immediately-suspended-and-replaced-by-new-framework>
- Press release - Safe Harbour ruling: The Commission must act now to ensure clarity and safety for citizens and businesses, says Claude Moraes: <http://www.europarl.europa.eu/news/en/news-room/content/20151006IPR96134/html/Safe-Harbour-Commission-must-act-now-to-ensure-clarity-and-safety-for-citizens>
- Press release from the EU Court of Justice on the Judgement in Case C-362/14 Maximilian Schrems v Data Protection Commissioner (6 October 2015)
: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-10/cp150117en.pdf>
- Press release from 12 March 2014 - US NSA: stop mass surveillance now or face consequences, MEPs say
: <http://www.europarl.europa.eu/news/en/news-room/content/20140307IPR38203/html/US-NSA-stop-mass-surveillance-now-or-face-consequences-MEPs-say>
- EP resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various member states and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0230+0+DOC+XML+V0//EN&language=EN>
- Q&A on Parliament's inquiry into mass surveillance of EU citizens:
<http://www.europarl.europa.eu/news/en/news-room/content/20140310BKG38512/html/QA-on-Parliament%27s-inquiry-into-mass-surveillance-of-EU-citizens>
- Profile of rapporteur Claude Moraes (S&D, UK): <http://www.europarl.europa.eu/meps/en/4519.html>
- Committee on Civil Liberties, Justice and Home Affairs:
<http://www.europarl.europa.eu/committees/en/libe/home.html>

Press release

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