

**Question for written answer E-000580/2021  
to the Council**

Rule 138

**Moritz Körner** (Renew)

Subject: EU-US 'no-spying' agreement

In October 2013, the European Council debated the need for a 'no-spying' agreement with the United States. German Chancellor Merkel and President Hollande publicly called for such an agreement.

The United States is said to have 'no-spying' arrangements with Britain, Australia, New Zealand and Canada.

In the Schrems I judgment, the Court of Justice of the European Union (CJEU) pointed out that intelligence authorities' indiscriminate access to the content of electronic communications violates the essence of the right to confidentiality of communications as provided in Article 7 of the Charter of Fundamental Rights of the European Union. In the Schrems II judgment, the CJEU pointed out that the United States do not provide sufficient legal remedies for non-US persons against mass surveillance, and that this violates the essence of the right to a legal remedy as provided in Article 47 of the Charter.

The Commission is currently in the process of preparing a new adequacy decision concerning the US data processing regime. Will the Council mandate the Commission to demand that the US conclude a 'no-spying' agreement with EU Member States? If not, why not?