
Privacy Shield: “Deficiencies still remain and must be urgently resolved”, says Civil Liberties Chair in Washington

A delegation from the Civil Liberties, Justice and Home Affairs Committee this week visited Washington for the first time under the new US administration to take stock of developments in the field of data protection, counter-terrorism and immigration.

The upcoming Privacy Shield review was high on the agenda and both the US administration and the members reiterated their continued commitment to make the agreement work.

However, Civil Liberties Committee Chair Claude Moraes (S&D, UK) also stressed that “Deficiencies still remain which need to be urgently resolved to ensure that the Privacy Shield doesn’t suffer from critical weaknesses”.

“As already emphasized by the [European Parliament in April](#), several key positions still need to be filled under the new US administration in order to meet the conditions of the adequacy decision. These would include some of the necessary functions of the Federal Trade Commission, the Privacy and Civil Liberties Oversight Board that is currently lacking four of its five commissioners and the Ombudsperson, who is currently only in an acting capacity”, Mr. Moraes says.

MEPs also drew attention to open questions on the commercial aspects of the Privacy Shield as well as the ongoing review of Section 702 of the Foreign Intelligence Surveillance Act, Presidential Policy Directive 28 and law enforcement issues, which are essential components of the US commitments.

“These deficiencies must be addressed immediately to ensure that the Privacy Shield complies with the EU Charter of Fundamental Rights and the new EU data protection rules entering into force in May next year. Only this way can it be ensured that the Privacy Shield will stand the test of time and serve its purpose which is so urgently needed”, ends Moraes.

Counter-terrorism and immigration

On countering terrorism, the Committee visited, for the first time, the National Counterterrorism Centre and had constructive discussions on its unique role in counter-terrorism analysis. The Committee also held discussions with the US Department of State, White House officials and the Treasury on different aspects of counter-terrorism, its financing and terrorist threats.

The delegation also discussed immigration issues and visa waiver policies. On visa reciprocity, the Committee strongly reminded the US counterparts of its unified stance on ensuring equal treatment for all Member States nationals under the Visa Waiver Programme.

Background

The eight MEP strong delegation led by Civil Liberties Chair Claude Moraes (S&D, UK) visited Washington DC from 17 - 21 July. The objective of the visit was to obtain up-to-date information on the state of play in the US on major topics which fall within the remit of the LIBE Committee such as the protection of personal data ((EU-US Privacy Shield and its implementation by the US, digital privacy and electronic communications, law enforcement), cybercrime, counterterrorism, radicalisation, immigration (ESTA Programme) and protection of victims.

During their visit, MEPs met with US authorities (e.g. Departments of State, Justice, Treasury, Homeland Security, Commerce, Federal Trade Commission) Congress representatives, stakeholders, academics and representatives of civil society.

Further information

[Chair of the Committee on Civil Liberties, Justice and Home Affairs, Claude Moraes \(S&D, UK\)](#)
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