

**Conference of the European Data Protection Authorities
Lisbon, 16-17 May 2013**

**Resolution on
“To ensure Data protection in a Transatlantic Free Trade Area”**

Sponsors:

**Comissão Nacional de Protecção de Dados (CNPD), Portugal
Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (BfDI),
Germany**

Co-Sponsors:

**Commission Nationale de l’Informatique et des Libertés (CNIL), France
Garante per la protezione dei dati personali (Garante), Italy
Biuro Generalnego Inspektora Ochrony Danych Osobowych (GIODO), Poland
Agencia Espanola de Protección de Datos (AEPD), Spain**

Whereas a free-trade agreement between the United States and the European Union proposed by the US-President is highly welcomed by the EU and there are many indications that such a transatlantic free trade zone will bring economic advantages for both economies, the Conference

- recalls that according to the standards of the World Trade Organization (General Agreement on Trade in Services, Article XIV) states are entitled to adopt and enforce measures necessary to guarantee the protection of personal data;
- welcomes the initiative announced by the US-President for binding data protection requirements;
- considers that insofar as data protection issues may be affected by the upcoming negotiations between the European Union and the United States Government on the Transatlantic Free Trade Area, the fundamental right to data protection enshrined in the European Charter of Fundamental Rights and the high standards derived from it should be fostered and adhered to;

- points out that any arrangement in that respect should include both "content" principles and "procedural/enforcement" requirements such as rules, for example, on purpose limitation and onward transfers, effective oversight by an independent authority, non-discriminatory access to administrative and judicial redress etc. The issue of direct access by enforcement and security agencies to data held by private companies should also be properly addressed;
- accentuates that the establishment of a transatlantic economic union must in any case contribute to the effective application of the fundamental rights guaranteed under European law. The negotiations should not affect the calendar of the reform EU data protection law which was initiated by the European Commission;
- expects that the inspiring idea of a transatlantic comprehensive trade agreement will not only raise economic growth but also advance the efforts for a high level of data protection in the U.S. and in the European Union, not forgetting that data protection is recognized worldwide to be a considerable asset in competition.