

CLIENT ALERT

U.S.-EU Safe Harbor Renegotiation Deadline Passes: What Now?

February 1, 2016

Despite intensive last-minute talks over the weekend, U.S. and European Union (EU) negotiators have yet to reach a new agreement for the legitimization of data transfers from Europe to the United States to replace the invalidated U.S.-EU Safe Harbor Framework (Safe Harbor). On February 1, EU Commissioner Věra Jourová provided a status update at a plenary meeting of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) in Brussels. Jourová told the Parliament committee, "I believe the close relationship between the United States and European Union deserves these special efforts. We are close but an additional effort is needed." Negotiators on both sides still hope to find an agreement this week.

In the meantime, the EU Member States' Data Protection authorities (Article 29 Working Party) will meet on February 2 to discuss how to proceed. The meeting will include discussions about investigations and possible suspensions of data transfers which continue based solely on the former Safe Harbor. The authorities will also assess other transfer mechanisms such as [EU Standard Contractual Clauses](#) and [Binding Corporate Rules](#), which also have been criticized based on the same concerns relating to U.S. government surveillance.

We will provide additional guidance as it becomes available.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Jeffrey L. Poston

Partner – Washington, D.C.
Phone: +1.202.624.2775
Email: jposton@crowell.com

Jeane A. Thomas, CIPP/E

Partner – Brussels, Washington, D.C.
Phone: +32.2.282.4082, +1.202.624.2877
Email: jthomas@crowell.com

Frederik Van Remoortel

Partner – Brussels
Phone: +32.2.282.1844
Email: fvanremoortel@crowell.com