



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 April 2014**

**8761/14  
EXT 1**

**JAI 220  
USA 9  
DATAPROTECT 56  
RELEX 319**

**PARTIAL DECLASSIFICATION**

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| of document: | 8761/14 RESTREINT UE/EU RESTRICTED   |
| dated:       | 9 April 2014   |
| new status:  | Public   |
| Subject:     | EU-US data protection "Umbrella Agreement"<br>- Commission Services Non-Paper on state of play of negotiations |

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Delegations will find attached the partially declassified version of the above-mentioned document.

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**ANNEX**

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**Brussels, 9 April 2014**

**8761/14  
EXT 1 (30.04.2014)**

**JAI 220  
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**NOTE**

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from : Commission Services

to : JHA Counsellors

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No. prev. doc. : 5999/12 JAI 53 USA 2 DATAPROTECT 13 RELEX 76  
17480/10 JAI 1049 USA 127 DATAPROTECT 98 RELEX 1069  
RESTREINT UE

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Subject : EU-US data protection "Umbrella Agreement"  
- Commission Services Non-Paper on state of play of negotiations

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Delegations will find in Annex Commission Services Non-Paper on state of play of negotiations on EU-US data protection "Umbrella Agreement".

## EU-US DATA PROTECTION "UMBRELLA AGREEMENT"

### NON-PAPER ON STATE OF PLAY OF NEGOTIATIONS

#### 1. INTRODUCTION

On 3 December 2010, the Council adopted a decision authorising the Commission to open negotiations on an agreement between the European Union and the United States on the protection of personal data when transferred and processed for purpose of preventing, investigating, detecting or prosecuting criminal offences, including terrorism, in the framework of police cooperation and judicial cooperation in criminal matters ("umbrella agreement"). Detailed "Negotiating Directives" are annexed to the decision.

On 28 March 2011, the Commission opened negotiations with the US side.

The purpose of these negotiations is to agree on a comprehensive framework of data protection principles and safeguards, ensuring a high level of protection, that will apply to all data transfers taking place in the context of transatlantic police and judicial co-operation in criminal matters.

In accordance with Article 2 of the Council decision authorising the opening of negotiations, the Commission has reported after each negotiating session to the designated special committee (JHA Counsellors) on the progress of the negotiations. In accordance with Article 218(10) TFEU, the European Parliament has likewise being immediately and fully informed, in the framework of its Committee for Civil Liberties, Justice and Home Affairs (LIBE). On 3 February 2012, the Commission services also shared with the Council's special committee and the LIBE committee a non-paper providing a state of play of the negotiations.

In light of the progress achieved in these negotiations, the Commission services consider it appropriate to provide a written overview of the issues on which a common understanding has emerged so far. The present non-paper serves this purpose.

The two sides have reached to date a common understanding on a substantial number of issues covering a large part of the future articles of the agreement.

**NOT DECLASSIFIED FROM THIS POINT UNTIL THE END OF THE DOCUMENT**

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