



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 January 2014

**12579/13
DCL 1**

**JAI 644
DATAPROTECT 106
COTER 102
ENFOPOL 244
USA 37**

DECLASSIFICATION

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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OUTCOME OF PROCEEDINGS

from : COREPER
on : 18 July 2013

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Subject : Ad-hoc EU-US Working Group on Data Protection

1. Media Reports about the surveillance programmes operated by the US National Security Agency (NSA) have triggered a wide number of questions regarding the implications of these programmes for EU citizens.
2. Following the COREPER meeting of 4 July 2013, it was decided that a process would be launched, which began with an EU-US meeting on 8 July 2013 in Washington DC.
3. At the meeting of 10 July 2013, the Chair of COREPER concluded that there was a broad support for the Commission proposal for an ad hoc EU-US working group, the remit of which needed to be further clarified.

4. The draft remit of this ad hoc Working Group was discussed at the JHA Counsellors meetings of 15 and 16 July 2013. Following these discussions, the draft remit is set out in the Annex to this note. As is clear from the first paragraph of the annex, this group should offer a forum to discuss with the US questions triggered by the programmes referred to above. On the EU side it will be composed of a limited number of experts from the EU and Member States with appropriate security clearances.
 5. Member States were invited to send in nominations for Member state experts (in the area of data protection and in the area of law enforcement) for this Working Group. Ten experts have been selected at Antici level.
 6. On 18 July 2013 COREPER confirmed the remit of the ad hoc EU-US Working Group as set out in the annex to this note.
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Draft remit of the ad-hoc EU-US Working Group on Data Protection

The ad-hoc EU-US working group is tasked with discussing questions of data protection related to personal data of EU citizens that are affected by the US surveillance programmes in as far as these data protection questions are covered by EU competence.

Discussions will respect the division of competences, as set out in the EU Treaties. Pursuant to Article 4(2) TEU, national security is the sole responsibility of each Member State and questions related to their national security will be excluded from the remit. Any such questions which may arise shall be referred to Member States through the appropriate channels.

The EU side of the group shall be composed of the Presidency, the Commission, the EU Counter-terrorism Coordinator, the European External Action Service, up to 10 Member State experts, and a member of the Article 29 Working Group.

The EU side shall be co-chaired by the Commission and the Presidency. The Chairs shall report to COREPER, which shall decide about the follow-up to the outcome of the group.
