

**To Members of the European Parliament's  
Civil Liberties, Justice and Home Affairs Committee (LIBE)**

Wednesday, 28 January 2015

Dear Member of the LIBE Committee,

The Transatlantic Consumer Dialogue (TACD) – a forum of 80 EU and US consumer rights organisations\* – strongly supports the suggestions put forward in the LIBE Draft Opinion for the EP recommendation to the European Commission regarding the Transatlantic Trade and Investment Partnership (TTIP), which has a particular focus on the so-called ‘data flows’. You are without a doubt aware that this term covers also personal information, including sensitive personal information, which is regulated under the EU data protection frameworks. Therefore any provisions in TTIP which mandate rules on free data flows inevitably interfere with EU data protection laws.

We were firmly promised by the Commission, repeatedly, that data protection will not be included in the TTIP, and there is no EU mandate for such inclusion. The only way to ensure that such promises are respected is to have a horizontal clause in the TTIP agreement that clearly and unambiguously affirms the rights of the parties to enact policies and laws for privacy protection. We therefore strongly support paragraphs 3 and 4 of the Draft Opinion, and urge you to vote for them.

Furthermore, consumer groups, alongside other civil society, have no access to US-generated texts and documents and are only informed by rumour on the possible contents of the US text offer which is said to forbid barriers to the free flow of data, including processing and storage within the EU. We would like to remind Members of the LIBE Committee that such a provision may be in direct conflict with the EU Data Protection Directive adequacy requirements for transfers to third countries.

Please find attached the 2013 TACD Policy Resolution on Data Flows in TTIP, which has our full consensus views on personal information transfers between the EU and the US as well as a background and full rationale for those views.

The EU and US Co-Chairs of our Information Society Policy Committee, as well as the Secretariat, would be pleased to answer any queries you may have.

Yours sincerely,

Marianne Schneider-Petsinger  
TACD Manager

\*TACD is a forum of some 80 EU and US organisations representing many millions of consumers. We have provided input into EU and US policies since 1998. Our Secretariat is based in Consumers International, the global federation of consumer organisations. Members of the TACD Information Society Policy Committee include groups working on digital rights such as BEUC, EDRI, Privacy International, Consumer Federation of America, US Center for Digital Democracy, EPIC, etc. For more information, please visit [www.tacd.org](http://www.tacd.org).