

# MEPs Critical of EU-US E-Evidence Negotiations



Thomas Wahl

## News

At a hearing on 7 November 2019 at the EP's LIBE Committee, MEPs called for meeting EU data protection standards within the framework of possible future data exchanges by means of the U.S. CLOUD Act. The CLOUD Act allows U.S. law enforcement authorities to request the disclosure of data by service providers in the USA, regardless of where the data is stored (for details, see [eucrim 1/2018](#), p. 36; 4/18 p. 207 and the article by *J Daskal* in [eucrim 4/2018](#), pp. 220-225).

The Commission is currently negotiating an agreement by means of which law enforcement authorities in the EU Member States can also benefit from facilitated access to data held by U.S. service providers, such as Microsoft, Facebook, Apple, and Google. The European Data Protection Supervisor *Wiewiórowski* stressed that data can only be transferred for the purpose of a concrete criminal investigation, and he called on the EU Member States to provide efficient remedies against the obligation to data transfers.

MEPs pointed out the much lower data protection standards in the USA and criticised that EP's positions have not yet been taken into account during the negotiations. In addition, MEPs referred to the existing EU-US MLA agreement.

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