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#### Video conference with AmCham Romania representatives

On November 26, 2020, at the request of the Romanian-American Chamber of Commerce (AmCham Romania), the representatives of the Supervisory Authority and those of AmCham discussed in a video conference issues regarding the application of the provisions of the General Data Protection Regulation (RGPD) the transfer of personal data to countries outside the European Union, following the decision of the Court of Justice of the European Union in Schrems II (C-311/18).

In that judgment, the CJEU ruled on the interpretation and validity of two European Commission decisions as follows:

"Standard Clauses Decision" (Commission Decision 2010/87 / EU, as amended by Commission Decision 2016/2297 / EU on standard contractual terms for the transfer of personal data to persons established in third countries under Directive 95/46 the analysis of this decision did not reveal any element likely to affect its validity.

"Privacy Shield Decision" (Commission Decision 2016/1250 / EU on the adequacy of the protection afforded by the EU – US Privacy Shield); In the case of this decision, the Court's analysis showed that it was invalid.

Thus, in their discussions, the representatives of the Supervisory Authority emphasized that, as is clear from the CJEU judgment, the Court affirms the validity of standard contractual clauses as a tool for transferring data to third countries and states that the interpretation of Article 46 (1) and Article 46 Paragraph 2 (c) of Regulation 2016/679 shows that the appropriate safeguards, enforceable rights and effective remedies provided for in those provisions must ensure that the rights of persons whose personal data are transferred to a third country pursuant to standard data protection clauses enjoy a level of protection essentially equivalent to that guaranteed in the European Union Regulation.

Compared to the above-mentioned CJEU decision, in the discussions held, the representatives of the Supervisory Authority emphasized that, in the context of the CJEU judgment in Schrems II, for a uniform approach to data transfers to third countries, including the USA, In the draft some recommendations by the European Data Protection Board on measures to supplement transfer instruments to ensure compliance with the EU level of protection. These recommendations, launched in public consultation, can be found here: [https://www.dataprotection.ro/?page=Plenara\\_nr.\\_41\\_a\\_EDPB&lang=ro](https://www.dataprotection.ro/?page=Plenara_nr._41_a_EDPB&lang=ro).

Thus, the representatives of the Supervisory Authority stated that, through the recommendations, the Committee aims to provide operators and their proxies, as data exporters, in the context of data transfers to third countries, including the USA, with a number of "Steps to follow", potential sources of information and examples of additional measures that could be put

into practice in the complex task of analyzing and identifying such measures. "

Legal and Communication Department

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