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PRESS RELEASE

Transatlantic access to electronic evidence: US business in Europe welcomes EU negotiation mandate

Brussels, 6 June 2019 – The American Chamber of Commerce to the European Union (AmCham EU) welcomes today’s adoption by the Council of the EU of a mandate to enter into negotiations with the United States on cross-border access to electronic evidence. These negotiations can only be successful if the EU also adopts its own harmonised framework.

For the purpose of protecting public safety, law enforcement authorities increasingly need access to digital evidence to solve crimes. Typically, this data is stored in the Cloud, often in data centres across different countries and jurisdictions. Our member companies act as custodians of their users’ and customers’ electronic data and invest heavily to protect security and confidentiality of data. Therefore, they need transparent and balanced rules and procedures for cross-border access to data, which allow for effective policing, while safeguarding data subjects’ fundamental rights.

Maxime Bureau, Chairman, AmCham EU, stated: ‘I am encouraged by the EU’s focus on the important issue of lawful cross-border access to data in criminal investigations. The EU and US have a strong mutual interest in finding long-term solutions to modernise and clarify the law. The negotiation mandate is an important step forward, but the EU also needs to harmonise its electronic evidence rules between Member States. This is the pre-condition for the conclusion of a transatlantic agreement.’

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About AmCham EU

AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €2 trillion in 2018, directly supports more than 4.8 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

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