

FOR IMMEDIATE RELEASE

EuroCommerce and NRF Welcome Adoption of Adequacy Decision for Transatlantic Data Privacy Framework

BRUSSELS, July 11, 2023 – EuroCommerce and the National Retail Federation today welcomed the announcement by the European Commission regarding the adoption of the adequacy decision for the EU-U.S. Data Privacy Framework.

Christel Delberghe, Director General of EuroCommerce, which represents retailers and wholesalers in Europe, said: “The new EU-U.S. Data Privacy Framework will provide EU citizens with adequate redress in the U.S. with the creation of the Data Protection Review Court. The new framework introduces EU-based concepts of necessity and proportionality which further strengthens protection of personal data of EU citizens in the U.S. This provides European retailers that process data in the U.S. with the necessary safeguards to be sure that the personal data is adequately protected.”

“U.S. retailers have long supported the adoption of a reliable and legally valid transatlantic data transfer mechanism that allows them to serve their customers in the EU while maintaining the highest data protection standards,” NRF President and CEO Matthew Shay said. “The European Commission’s announcement today reflects years of hard work on the part of the EU and U.S. governments to re-establish a legally valid data privacy framework that provides safeguards for consumers’ personal data transferred to the U.S. that are equivalent to those in the EU.”

In April, EuroCommerce and NRF released a [white paper](#) on the Commission’s draft adequacy decision and urged institutions on both sides of the Atlantic to swiftly adopt and implement the framework. The analysis showed that the new framework would ensure legal certainty and provide a durable, long-term mechanism to overcome the legal challenges that had invalidated the EU-U.S. Privacy Shield, the previous transatlantic data transfer framework.

NRF and EuroCommerce have worked collaboratively on EU data privacy and transatlantic data flows issues since 2016, holding annual joint meetings with EU officials with the goal of developing approaches to safeguard consumers’ data while fostering regulatory certainty for transatlantic retailers. The previous Privacy Shield was struck down by the Court of Justice of the European Union, the EU’s highest court, in its July 2020 ruling in the Schrems II case. That ruling came only four years after the

Shield replaced an earlier U.S.-EU Safe Harbor Agreement on transatlantic data flows rejected by the same court in 2015 in the original Schrems decision.

Since 2020, standard contractual clauses approved by the European Commission have served as an alternative for businesses transferring data between the U.S. and the EU. Nonetheless, conditions set by the court on their use and supplementary measures recommended by the European Data Protection Board have made it more challenging and less predictable for retailers to rely on the clauses after Schrems II.

About EuroCommerce

[EuroCommerce](#) is the principal European organization representing the retail and wholesale sector. It embraces national associations in 27 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates one in seven jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognized European social partner for the retail and wholesale sector.

Contact: Daniela Haiduc, haiduc@eurocommerce.eu, +32 473 56 29 36

About NRF

The [National Retail Federation](#) passionately advocates for the people, brands, policies and ideas that help retail succeed. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$3.9 trillion to annual GDP and supporting one in four U.S. jobs – 52 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

Contact: Danielle Inman (855) NRF-PRESS, press@nrf.com