



Europa

en

The European
Commission

Internal Market

Data Protection

[Data Protection](#) ► [News](#)

The Article 31 Committee gives Green Light to the Draft Commission Decision on Standard Contractual Clauses for the Transfer of Personal Data to Processors established in Third Countries

Full text for downloading (PDF file, 41 KB)

The Committee of Member States established by Article 31 of the Directive has delivered a favourable opinion on the Draft Commission Decision on Standard Contractual Clauses for the transfer of personal data to processors established in third countries. The Draft Commission Decision has now been notified to the European Parliament for the exercise of its right of scrutiny. If no objections are raised, all reasonable efforts will be done for the Commission to approve this Decision by the end of this year.

Any transfer of personal data outside the Community is an international data transfer within the meaning of Chapter IV of Directive 95/46/EC. Any international data transfer should be based on one or more of the legal grounds provided for in Articles 25 and 26 of the Directive or similar provisions of the national laws transposing them. The use of standard contractual clauses approved under Article 26 paragraph 4 is just one of the possibilities and does not replace the others.

The effect of this Commission Decision, once adopted, is that Member States cannot refuse on grounds of inadequate protection in the third country the transfer of personal data to a processor established in a third country where the controller established in the Community and the processor incorporate into a contract the standard contractual clauses attached to the Decision.

This Decision will complement Decision 2001/497/EC (transfers controller-to-controller) and will simplify the process of transferring personal data to processors established in third countries where an adequate level of data



WHAT'S NEW



MAIL-BOX



SITE MAP



INDEX



SEARCH



INFORMATION



FAQ



FORUM



LINKS


protection has not been recognised.

Processors are subcontractors. The controller (Data Exporter) determines the purposes and means of the processing of the personal data transferred and the processor (Data Importer) processes the data on behalf of the controller in the Community and in accordance with the controller's instructions.

The Commission services will post in this website some Frequently Asked Questions to assist in the comprehension and interpretation of these new standard contractual clauses. A meeting with representatives of business and consumer associations will take place before the end of the year to help the Commission services to determine the ground it is necessary to cover in these FAQs.

Date: 4 December 2001

For further details: MARKT-A4@cec.eu.int


[\[Update on the Single Market \]](#) - [\[Free Movement of People & Individual Rights \]](#) - [\[Free Movement of Goods \]](#) - [\[Services & Establishment \]](#) - [\[Financial Services \]](#) - [\[Company Law, Accounting & Auditing \]](#) - [\[Public Procurement \]](#) - [\[Media, Information Society & Data Protection \]](#) - [\[Intellectual & Industrial Property \]](#) - [\[Economic & Monetary Union \]](#) - [\[Infringements \]](#)