

Brussels, 30/09/2014

Dear Mr Lange,

I have been asked by the Chair of the INTA-committee to comment on allegations that I would have undermined or delayed the EU data protection reform (a regulation and a directive). I strongly refute those allegations.

I am convinced that Europe needs a new set of rules to guarantee European citizens' privacy, and I have been, and will continue to be, very supportive during the negotiations with the European Parliament and the Council. I have always defended these proposals, both internally and externally. I firmly reject allegations that I would have undermined European interests. I am a convinced European and have always stood up for European values.

The allegations raised by MEPs in my hearing yesterday are based on media reports referring to an email written by a US official in January 2012. It is rather difficult to comment on the very unclear mail, which I saw for the first time yesterday. The journalist from der Spiegel, who got in touch with my office last Friday, only quoted a couple of lines. One issue seems to be the timetable for adoption of the proposals, and the other concerns possible conflicts with law enforcement agreements. According to the mail, the US Ambassador was scheduled to meet President Barroso's Head of Cabinet but it is unclear what issues the US actually intended to raise.

Let me start by clarifying that I did not reach out to the US on those issues, nor did I instruct my officials to do so, and to my knowledge none of them did. Nor can I recall that I was approached by the US on those issues.

As for the timetable, I do recall that the two proposals were put on the Commission's agenda with rather short notice although the Commission services had made detailed comments during the inter-service

consultation which took place shortly before. My Cabinet asked for an additional week or two to work with other services on the directive, but the rather tight timetable was kept.

On the substance of the proposal for the directive, my and other Commission services noted that one part of the text seemed to be in conflict with existing agreements with third countries, creating legal uncertainty and potentially undermining the data protection guarantees set out in those agreements. My services and cabinet worked successfully, within the tight timeframe, with other Commission services and the cabinet of VP Reding to clarify the text and I was pleased with the outcome.

As to the more controversial part of the data protection reform, the Regulation, I did not raise any particular issues. There was a discussion inside the Commission, notably as regards the so-called anti-FISA clause (Article 42) in the first draft proposal for the Regulation. Several Commissioners and Commission services, including the Commission's Legal Service, had reservations against the clause, arguing that it risked undermining international cooperation between public authorities and leading to legal uncertainty for European companies doing business in third countries. I, however, did not intervene on this topic, nor did my services in the Commission inter-service consultation.

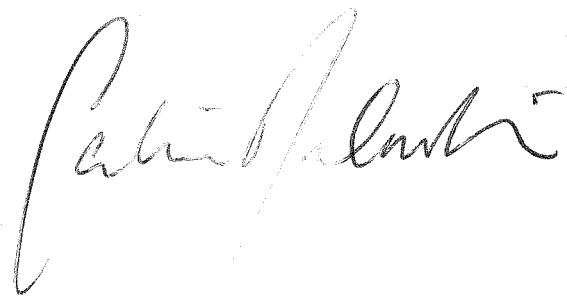
The debate led President Barroso and VP Reding to remove the clause from the proposal. The proposal for a Data Protection regulation was then, together with a Data Protection directive in the area of law enforcement, adopted unanimously by the College on 25 January 2012, and I strongly supported their adoption without opposing any part of them.

In light of these facts, I repeat, claims that I would have undermined data protection, either by delaying or weakening the data protection reform, are completely false.

If confirmed as Trade Commissioner, I realise I would have a difficult task in front of me, notably in negotiating the TTIP. I would use the experience I have gained so far in negotiating with the US to secure a

strong outcome, defending European interests, and without lowering standards in any way as concerns environment, labour, food safety or data protection.

Ultimately, the EP and the Council would vote on a possible agreement. In the run-up to such a conclusion, I reiterate my commitment to increase transparency, and work closely with you and rebuild trust in the TTIP negotiations also with wider parts of society to the best of my ability.

A handwritten signature in black ink, appearing to read 'Catherine Ashton', written in a cursive style.