

Adequacy decisions

How the EU determines if a non-EU country has an adequate level of data protection.

The European Commission has the power to determine, on the basis of article 45 of Regulation (EU) 2016/679 (http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2016.119.01.0001.01.ENG&toc=OJ%3AL%3A2016%3A119%3ATOC), whether a country outside the EU offers an adequate level of data protection.

The adoption of an adequacy decision involves

- a proposal from the European Commission
- an opinion of the European Data Protection Board
- an approval from representatives of EU countries
- the adoption of the decision by the European Commission

At any time, the European Parliament and the Council may request the European Commission to maintain, amend or withdraw the adequacy decision on the grounds that its act exceeds the implementing powers provided for in the regulation.

The effect of such a decision is that personal data can flow from the EU (and Norway, Liechtenstein and Iceland) to that third country without any further safeguard being necessary. In other words, transfers to the country in question will be assimilated to intra-EU transmissions of data.

The European Commission has so far recognised Andorra (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010D0625>), Argentina (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003D0490>), Canada (<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32002D0002>) (commercial organisations), Faroe Islands (<https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32010D0146>), Guernsey (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003D0821>), Israel (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011D0061>), Isle of Man (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004D0411>), Japan (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.076.01.0001.01.ENG&toc=OJ:L:2019:076:TOC), Jersey (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008D0393>), New Zealand (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32013D0065>), Republic of Korea ([/document/download/e9453177-f192-4416-a147-3c57adc468c4_en?filename=1_1_180366_dec_ade_kor_new_en.pdf](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.076.01.0001.01.ENG&toc=OJ:L:2019:076:TOC)), Switzerland (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000D0518>), the United Kingdom under the GDPR ([/document/download/dabdaf35-ee58-405e-ac3e-924d04b2cfe4_en?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_-_general_data_protection_regulation_en.pdf](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.076.01.0001.01.ENG&toc=OJ:L:2019:076:TOC)) and the LED ([/document/download/67dc46ee-1f1a-4f3b-920f-71af138ffcfc_en?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_law_enforcement_directive_en.pdf](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.076.01.0001.01.ENG&toc=OJ:L:2019:076:TOC)), and Uruguay (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012D0484>) as providing adequate protection.

With the exception of the United Kingdom, these adequacy decisions do not cover data exchanges in the law enforcement sector which are governed by the Law Enforcement Directive (Article 36 of Directive (EU) 2016/680 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1515424934250&uri=CELEX:32016L0680>)).

Adequacy decisions Latest

17 December 2021

Questions & Answers on the adoption of the adequacy decision ensuring safe data flows between the EU and the Republic of Korea (<https://ec.europa.eu/info/news/questions-answers->

[adoption-adequacy-decision-ensuring-safe-data-flows-between-eu-and-republic-korea-2021-dec-17_en](https://ec.europa.eu/info/news/joint-press-statement-didier-reynders-commissioner-justice-european-commission-and-yoon-jong-chairperson-personal-information-protection-commission-republic-korea-2021-dec-17_en)

17 December 2021

Joint Press Statement by Didier Reynders, Commissioner for Justice of the European Commission, and Yoon Jong In, Chairperson of the Personal Information Protection Commission of the Republic of Korea (https://ec.europa.eu/info/news/joint-press-statement-didier-reynders-commissioner-justice-european-commission-and-yoon-jong-chairperson-personal-information-protection-commission-republic-korea-2021-dec-17_en)

The Commission has adopted its adequacy decision on the Republic of Korea

26 October 2021

Joint statement on the first review of the EU-Japan mutual adequacy arrangement (https://ec.europa.eu/info/news/joint-statement-first-review-eu-japan-mutual-adequacy-arrangement-2021-oct-26_en)

Review of the EU-Japan mutual adequacy arrangement.

30 March 2021

Joint Press Statement by Didier Reynders, Commissioner for Justice of the European Commission, and Yoon Jong In, Chairperson of the Personal Information Protection Commission of the Republic of Korea. (https://ec.europa.eu/info/news/joint-press-statement-didier-reynders-commissioner-justice-european-commission-and-yoon-jong-chairperson-personal-information-protection-commission-republic-korea-2021-mar-30_en)

On 30 March 2021, adequacy talks were concluded with South Korea.

☰ Latest (https://ec.europa.eu/info/news_en?pages=47161#news-block)

Documents

17 DECEMBER 2021

Decision on the adequate protection of personal data by the Republic of Korea with annexes

English (1.62 MB - PDF)

Download [📄 \(/document/download/e9453177-f192-4416-a147-3c57adc468c4_en?filename=1_1_180366_dec_ade_kor_new_en.pdf\)](https://document/download/e9453177-f192-4416-a147-3c57adc468c4_en?filename=1_1_180366_dec_ade_kor_new_en.pdf)

28 JUNE 2021

Decision on the adequate protection of personal data by the United Kingdom - General Data Protection Regulation

English (1.04 MB - PDF)

Download [📄 \(/document/download/dabdaf35-ee58-405e-ac3e-924d04b2cfe4_en?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_-_general_data_protection_regulation_en.pdf\)](https://document/download/dabdaf35-ee58-405e-ac3e-924d04b2cfe4_en?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_-_general_data_protection_regulation_en.pdf)

Deutsch (1.27 MB - PDF)

Download [📄 \(/document/download/dabdaf35-ee58-405e-ac3e-924d04b2cfe4_de?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_-_](https://document/download/dabdaf35-ee58-405e-ac3e-924d04b2cfe4_de?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_-_)

[_general_data_protection_regulation_de.pdf](#))

français (1.52 MB - PDF)

Download [⬇ \(/document/download/dabdaf35-ee58-405e-ac3e-924d04b2cfe4_fr?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_-_general_data_protection_regulation_fr.pdf\)](#)

28 JUNE 2021

Decision on the adequate protection of personal data by the United Kingdom: Law Enforcement Directive

English (798.68 KB - PDF)

Download [⬇ \(/document/download/67dc46ee-1f1a-4f3b-920f-71af138ffcfc_en?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_law_enforcement_directive_en.pdf\)](#)

Deutsch (978.74 KB - PDF)

Download [⬇ \(/document/download/67dc46ee-1f1a-4f3b-920f-71af138ffcfc_de?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_law_enforcement_directive_de.pdf\)](#)

français (1.13 MB - PDF)

Download [⬇ \(/document/download/67dc46ee-1f1a-4f3b-920f-71af138ffcfc_fr?filename=decision_on_the_adequate_protection_of_personal_data_by_the_united_kingdom_law_enforcement_directive_fr.pdf\)](#)

14 JANUARY 2019

EU Japan Adequacy Decision - Factsheet

English (216.41 KB - PDF)

Download [⬇ \(/document/download/c2689793-a827-4735-bc8d-15b9fd88e444_en?filename=adequacy-japan-factsheet_en_2019.pdf\)](#)

Related links

Press release - Data protection: European Commission launches process on personal data flows to UK (https://ec.europa.eu/commission/presscorner/detail/en/ip_21_661)

Press release - International data flows: Commission launches the adoption of its adequacy decision on Japan - 5 September 2018 (http://europa.eu/rapid/press-release_IP-18-5433_en.htm)

Joint statement by EU Commissioner and Japan Commissioner of the Personal Information Protection Commission of Japan on the state of play of the dialogue on data protection - 4 July 2017 (http://europa.eu/rapid/press-release_STATEMENT-17-1880_en.htm)

Joint Declaration by Mr. Shinzo Abe, Prime Minister of Japan, and Mr. Jean-Claude Juncker, President of the European Commission - 6 July 2017 (http://europa.eu/rapid/press-release_STATEMENT-17-1917_en.htm)

Press statement by Commissioner Věra Jourová, Mr. Lee Hyo-seong, Chairman of the Korea Communications Commission and Mr. Jeong Hyun-cheol, Vice President of the Korea Internet & Security Agency - 20 November 2017 (http://europa.eu/rapid/press-release_STATEMENT-17-4739_en.htm)

