EUMANS
Fiscal code: 9644729058
Address: VIA DI SAN BASILIO 64, Italy, Rome
Tel: 0688921034
Email: info@eumans.eu

Open Letter to the European Institutions

Enforcing European Digital Autonomy through GDPR

Requiring the European Commission to Use Its Own Adequacy Tools to Protect the EU-US Data Privacy Framework

To:

- The European Commission (DG JUST, DG TRADE, DG CNECT)
- The European Parliament (Committees on LIBE, INTA, IMCO)
- The Council of the European Union
- The European Data Protection Boad (EDPB)
- The European Data Protection Supervisor (EDPS)

Dear President, Commissioners, Members of the European Parliament, and Distinguished Representatives,

For over a decade, the legal basis for transferring Europeans' personal data to the United States has collapsed under judicial review, then been rebuilt, twice. Safe Harbour fell in 2015. Privacy Shield fell in 2020. The EU-US Data Privacy Framework, adopted in July 2023, was meant to be the version that finally held — built on American companies' certified commitments, enforced by the Federal Trade Commission, and backed by the redress mechanism created under Executive Order 14086.

On 29 June 2026, in *Trump v. Slaughter*, the US Supreme Court ruled 6-3 that FTC commissioners may now be removed by the President at will, overturning ninety years of precedent under *Humphrey's Executor*. The Commission did not build its adequacy decision on an agency exposed to that kind of political control. It built it, in significant part, on the FTC's independence.

EUMANS
Fiscal code: 9644729058
Address: VIA DI SAN BASILIO 64, Italy, Rome
Tel: 0688921034
Email: info@eumans.eu

This is not a risk to assess at leisure. Max Schrems and noyb (European Cente for Digital Rights) have already signalled their intention to challenge the 2023 adequacy decision before the Court of Justice, arguing that the Commission treated the FTC as the functional equivalent of an independent supervisory authority — a status European law requires, and one a president's power of at-will removal now directly undermines. History warns us how this pattern ends: Europe waits, insists that existing safeguards remain formally in force, and is then overtaken by a Court of Justice ruling that arrives without transition. Companies scramble. Data flows are thrown into overnight uncertainty. Twice already, that sequence has cost European businesses and public administrations dearly.

President von der Leyen, technological sovereignty is proven the day it costs something politically, not the day it is announced at a summit. The Commission relied, under Article 45 of the GDPR, on the FTC's independence to certify the Data Privacy Framework's credibility. That reliance no longer matches reality. Eumans calls on you to use, without further delay, the tools the GDPR already gives the Commission rather than wait for noyb to force the question before the Court of Justice.

President von der Leyen, **open the periodic review of the adequacy decision now, set Washington a public deadline** to demonstrate that oversight of certified companies remains genuinely independent of presidential control, **and commit in writing to suspend the Data Privacy Framework** if that guarantee cannot be restored. Leveraging the upcoming Digital Omnibus on Data and Digital Fairness Act may also be used as a lever for potential restriction of data regulation, to strengthen European consumers' rights.

If the Union wants to prove, and not merely proclaim, that it defends its technological sovereignty, this is the test. Due now.

The Solution: Use the Commission's Own Tools, on the Commission's Own Timeline

Article 45 of the GDPR does not treat an adequacy decision as fixed once adopted. It requires continuous monitoring of the third country's legal and institutional framework, and it empowers the Commission to amend, suspend, or withdraw the decision when the level of protection it once found "essentially equivalent" no longer holds.

These are not emergency powers to be invented — they are the ordinary tools Article 45 was written to provide. Eumans is not asking the Commission for new authority. We are asking it to use the authority it already has.

EUMANS
Fiscal code: 9644729058
Address: VIA DI SAN BASILIO 64, Italy, Rome
Tel: 0688921034
Email: info@eumans.eu

Concretely, this means:

1. Opening the periodic review of the Data Privacy Framework immediately, rather than waiting for its next scheduled cycle, given that the institutional premise it rests on has changed.
2. Requiring the United States to demonstrate, with specific and verifiable evidence, that FTC oversight of certified companies remains independent in practice, not only in name.
3. Publishing, in advance and in public, the conditions under which the Commission would amend, suspend, or withdraw the adequacy decision — giving companies and public bodies the transition time that Safe Harbour and Privacy Shield never allowed.
4. Accelerating investment in European data infrastructure — sovereign cloud capacity, European Data Spaces, encryption and hosting alternatives — so that reliance on American providers remains a choice, not a structural dependency without a fallback.

The Legal Basis Already Exists

This request rests on tools the Union has already built.

First, Article 45(3)-(5) GDPR, which requires periodic review of every adequacy decision and empowers the Commission to act on its findings.

Second, Articles 7, 8 and 47 of the Charter of Fundamental Rights were already used twice by the Court of Justice to strike down transatlantic transfer mechanisms it found insufficiently protective.

Finally, the Court's own *Schrems II* standard requires oversight and redress mechanisms in a third country to be genuinely independent and enforceable, not merely written into law.

The European Data Spaces initiative, the Data Governance Act, the upcoming Digital Omnibus on Data and Digital Fairness Act, and the ongoing debate on sovereign cloud procurement already give the Union the building blocks of an alternative. What is missing is not legal authority. It is the political decision to use it before, rather than after, the next annulment.

EUMANS
Fiscal code: 9644729058
Address: VIA DI SAN BASILIO 64, Italy, Rome
Tel: 0688921034
Email: info@eumans.eu

A Call To Action

The time to act is before the Court of Justice acts for us. We urge the European Institutions to:

1. **Trigger the review**

Open the Article 45 periodic review of the Data Privacy Framework now, in light of *Trump v. Slaughter*, rather than waiting for the next scheduled cycle.

2. **Demand verifiable guarantees**

Require Washington to demonstrate, with evidence the Commission can independently assess, that FTC oversight of certified companies remains genuinely independent of presidential removal power.

3. **Publish exit conditions in advance**

Set out publicly, and in advance, the specific conditions under which the Commission would amend, suspend, or withdraw the adequacy decision, so companies face an orderly transition rather than a sudden invalidation.

4. **Invest in the sovereign alternative**

Accelerate European Data Spaces, sovereign cloud capacity, and encryption infrastructure, so reliance on extra-EU providers for processing is a reversible choice, not a structural dependency.

This is not a call to sever transatlantic data flows, which remain necessary to European businesses, research, and public administration. It is a call to stop treating each US institutional shock as an unforeseeable emergency, when the pattern — Safe Harbour, Privacy Shield, and now the erosion of FTC independence — has by now made itself entirely foreseeable. Technological sovereignty should be the discipline of using the tools the Union has already built, before circumstances force their use.

We stand ready to collaborate with EU institutions, civil society, and industry to make this an orderly transition rather than another judicial rupture.

Sincerely,

Marco Cappato — Founder & Co-President, EUMANS
Francesco Vecchi — Civic AI Campaign Coordinator, EUMANS