



## 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](#), 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](#), [Argentina](#), [Canada](#) (commercial organisations), [Faroe Islands](#), [Guernsey](#), [Israel](#), [Isle of Man](#), [Japan](#), [Jersey](#), [New Zealand](#), [Switzerland](#), [Uruguay](#) and the [United States of America](#) (limited to the [Privacy Shield framework](#)) as providing adequate protection.

Adequacy talks are ongoing with South Korea.

These adequacy decisions do not cover data exchanges in the law enforcement sector which are governed by the "Police Directive" (article 36 of [Directive \(EU\) 2016/680](#)).

## Documents

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## EU Japan Adequacy Decision - Factsheet

14 January 2019

English (216.4 KB - PDF)

Url link -

[https://ec.europa.eu/info/sites/info/files/research\\_and\\_innovation/law\\_and\\_regulations/d-japan-factsheet\\_en\\_2019\\_1.pdf](https://ec.europa.eu/info/sites/info/files/research_and_innovation/law_and_regulations/d-japan-factsheet_en_2019_1.pdf)

## Related links

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[Press release - International data flows: Commission launches the adoption of its adequacy decision on Japan](#)

[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](#)

[Joint Declaration by Mr. Shinzo Abe, Prime Minister of Japan, and Mr. Jean-Claude Juncker, President of the European Commission](#)

[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](#)

Departments

[Justice and Consumers](#)