



PRESS RELEASE No 106/25

Luxembourg, 3 September 2025

Judgment of the General Court in Case T-553/23 | Latombe v Commission

Data Protection: the General Court dismisses an action for annulment of the new framework for the transfer of personal data between the European Union and the United States

In so doing, it confirms that, on the date of adoption of the contested decision, the United States of America ensured an adequate level of protection for personal data transferred from the European Union to organisations in that country

The Charter of Fundamental Rights of the European Union ¹ and the Treaty on the Functioning of the European Union (TFEU) ² enshrine the right of every person to the protection of his or her personal data. On the basis of those legal instruments, and to avoid compromising the level of protection conferred within the European Union, EU secondary legislation ³ lays down the rules applicable to international transfers of personal data. In accordance with those rules, if the European Commission considers that a third country ensures an adequate level of protection, transfers of personal data to that country may take place without further authorisation, on the basis of the adequacy decision adopted by the Commission. Such a framework, established by the adequacy decision adopted by the Commission on 10 July 2023 ('the contested decision'), ⁴ exists between the European Union and the United States of America. In the past, in the judgments in *Schrems I* ⁵ and *Schrems II* ⁶, the Court of Justice declared the two previous adequacy decisions ⁷ concerning the United States to be invalid, on the ground that they did not ensure a level of protection of fundamental rights and freedoms that is essentially equivalent to that guaranteed by EU law.

On 7 October 2022, the United States of America adopted an Executive Order ⁸ that strengthened the privacy safeguards governing activities carried out by intelligence agencies established in the United States. That order was supplemented by an Attorney General Regulation ⁹ that amended the provisions governing the establishment and functioning of the Data Protection Review Court ('the DPRC'). Following an examination of those regulatory developments in the United States, the Commission adopted the contested decision, which put in place the new transatlantic framework for personal data flows between the European Union and the United States.

Against that background, Philippe Latombe, a French citizen and user of various IT platforms that collect his personal data and transfer them to the United States, asked the General Court to annul the contested decision. According to Mr Latombe, the DPRC is neither impartial nor independent, but dependent on the executive. Moreover, he submits that the practice of the intelligence agencies of that country of collecting in bulk personal data in transit from the European Union, without the prior authorisation of a court or an independent administrative authority, is not circumscribed in a sufficiently clear and precise manner and is, therefore, illegal.

The General Court **dismisses the action for annulment.**

As regards, in the first place, the DPRC, the General Court states *inter alia* that it is apparent from the file that the appointment of judges to the DPRC and the DPRC's functioning are accompanied by several safeguards and

conditions to ensure the independence of its members. Moreover, judges of the DPRC may be dismissed only by the Attorney General and only for cause, and the Attorney General and intelligence agencies may not hinder or improperly influence their work.

The General Court also observes that, under the contested decision, the Commission is required to monitor continuously the application of the legal framework on which that decision is based. Thus, if the legal framework in force in the United States at the time of the adoption of the contested decision changes, the Commission may decide, if necessary, to suspend, amend or repeal the contested decision or to limit its scope.

In the light of those considerations, the General Court rejects the plea alleging that the DPRC is not independent.

As regards, in the second place, the bulk collection of personal data, the General Court points out, in particular, that there is nothing in *Schrems II* to suggest that that collection must necessarily be subject to prior authorisation issued by an independent authority. Rather, it is clear from that judgment that the decision authorising such collection must, at a minimum, be subject to *ex post* judicial review. In the present case, it is apparent from the file that, under US law, signals intelligence activities carried out by US intelligence agencies are subject to *ex post* judicial oversight by the DPRC. Therefore, the General Court finds that it cannot be considered that the bulk collection of personal data by American intelligence agencies falls short of the requirements arising from *Schrems II* in that regard or that US law fails to ensure a level of legal protection that is essentially equivalent to that guaranteed by EU law.

In the light of those considerations, the General Court rejects the plea concerning the bulk collection of personal data and, therefore, dismisses the action in its entirety.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

Stay Connected!



¹ Article 8(1) of the Charter.

² Article 16(1) TFEU.

³ [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

⁴ Commission [Implementing Decision \(EU\) 2023/1795](#) of 10 July 2023 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate level of protection of personal data under the EU-US Data Privacy Framework.

⁵ Judgment of 6 October 2015, *Schrems (Schrems I)* [C-362/14](#) (see also Press Release [No. 117/15](#)).

⁶ Judgment of 16 July 2020, *Facebook Ireland and Schrems (Schrems II)*, [C-311/18](#) (see also Press Release [No. 91/20](#)).

⁷ Commission [Decision 2000/520/EC](#) of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of

the protection provided by the safe harbour privacy principles and related frequently asked questions issued by the US Department of Commerce; and Commission [Implementing Decision \(EU\) 2016/1250](#) of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield.

⁸ Executive Order 14086.

⁹ Attorney General Regulation 28 CFR Part 201.