



EUROPEAN COMMISSION

Cecilia Malmström

EU Commissioner for Home Affairs

Intervention by Cecilia Malmström on the EU-US TFTP Agreement in the European Parliament

Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

LIBE Committee hearing, European Parliament/Brussels
24 September 2013

Dear President, Honourable members, ladies and gentlemen.

I am here today to share with you my views on the press allegations about the possible access of the U.S. National Security Agency to the data exchanged through the EU-US TFTP Agreement.

I will not comment on wider aspects of counter-terrorism cooperation between the EU and the U.S.

I am concerned by the allegations circulated in the press.

The EU-US TFTP Agreement was negotiated precisely to avoid that personal data of EU citizens are exposed without legal guarantees and safeguards.

The TFTP agreement puts in place the legal framework ensuring that the data necessary for combating terrorism, which are shared with the U.S., are handled in an appropriate manner and with full respect of data protection rights.

The EU-US TFTP Agreement regulates in an exhaustive way any transfer of SWIFT data from the SWIFT database in the EU to the U.S. authorities.

I have in the past informed you on how the system is set up, how guarantees and safeguards operate. This was the purpose of the two joint reviews of 2011 and of 2012.

My services are currently preparing yet another report, on the value of TFTP, but in light of the recent developments, I have put it on hold.

On 4 July 2013, after the initial media reports about the existence of the U.S. surveillance programmes, I sent immediately a letter to our U.S. counterparts to request their full cooperation in bringing clarity on these programmes and their potential implications for the TFTP and PNRs Agreements.

In parallel, the work of the EU-US working group on data protection, which was set up to establish the facts on the alleged access and processing of personal data of EU citizens by the U.S., keeps working.

On 11 September I called Under Secretary of the U.S. Treasury Department, Mr Cohen and I told him that I wait for substantial information on the alleged tapping.

The next day I also sent him a letter in which I requested opening of consultations under Article 19 of the Agreement. This is a formal step to be taken in case of disputes between the Parties to the TFTP Agreement.

During these consultations I will be seeking exhaustive explanations and comprehensive information in order to measure to which extent the implementation of the Agreement might have been impacted.

In reply to my letter the U.S. authorities have provided some written explanations. It raises a number of questions to be pursued in the Article 19 consultations.

I am not satisfied with what we have received so far. Whilst from the U.S. reactions last week we now have some understanding of the situation, we need more detailed information in order to credibly assess reality and to be in a position to judge whether the obligations of U.S. side under the TFTP Agreement have been breached.

Proceeding with the consultations is now on the top of the agenda for my staff. We are going to meet with our U.S. counterparts very soon to discuss all pertinent questions. I welcome the questions you will raise this morning since I can ask these questions as well when I meet my US counterparts.

Either way a decision to maintain the Agreement or to consider proposing its suspension is a serious matter.

You will certainly understand that whilst media reports can trigger consultations, a decision to propose a suspension requires an objective and comprehensive assessment.

I will make sure that you are fully informed about the future developments and any recommendations with regard to the future of the TFTP Agreement.