

The President

José Luis Rodríguez Zapatero
President-in-Office
Council of the European Union
175, rue de la Loi
B-1048 Brussels

300463 15.01.2010

Dear President-in-Office,

I am writing to you concerning the interim SWIFT Agreement on the processing and transfer of financial messaging data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program.

As you may know, I wrote to your predecessor, Fredrik Reinfeldt, on 26 November and 21 December 2009 on the subject of SWIFT. He replied to the first of these two letters on 28 November 2009, but I have yet to receive a reply to the second. (I attach this correspondence for reference).

As I explained to Mr Reinfeldt in my letter of 21 December, the European Parliament attaches the highest importance to ensuring that the interim SWIFT Agreement should be referred to the European Parliament, in good time, so that the Parliament may decide on whether to approve this proposal, under the consent procedure, *before* its envisaged entry into force on 1 February 2010 for a nine-month period.

This situation was discussed again at the latest meeting of the Parliament's Conference of Presidents, on 14 January 2010. I and my colleagues were disappointed to learn of the Council's continuing delay in referring the interim SWIFT agreement to the Parliament. Whatever the reason for this delay, it would seem that, on present plans, the Council intends to allow the interim agreement to enter into application provisionally, on 1 February, under Article 218(5) TFEU, without the Parliament having been able to vote on the text in advance. I believe this approach is inconsistent with the spirit of Mr Reinfeldt's own letter to me of 28 November, in which he stated that 'the Parliament will be called upon to give its consent before the agreement can be concluded'.

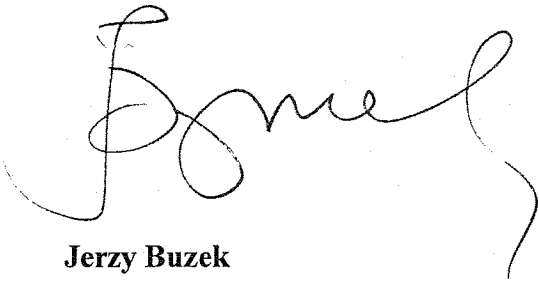
I have to tell you that, given the political sensitivity of the SWIFT issue, this situation is, in the view of the Conference of Presidents, unacceptable. The Lisbon Treaty now gives the Parliament a right of veto over agreements of this kind. It is therefore unwise for the Council to seek to apply any such agreement - but especially one which is, by its very nature, inherently controversial - without securing the Parliament's prior approval.

The European Parliament thus reiterates its request that the Council immediately submit the interim agreement to the Parliament, so that, in accordance with Article 218(6) TFEU, it may decide whether or not to confer its consent, before 1 February 2010.

If the Council is unable to respond positively to this request - at the latest by the debate on SWIFT which is now scheduled in the Parliament's plenary for next Wednesday, 20 January - the Conference of Presidents is unlikely to let the matter rest.

I am copying this letter to the President of the European Council, Herman Van Rompuy, for his information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jerzy Buzek', written in a cursive style.

Jerzy Buzek