



Cutting off finance for terrorism: towards a European system

Many Civil Liberties Committee MEPs hailed the progress achieved in the new agreement on banking data transfers to the USA for counter-terrorism purposes, four months after rejecting the previous agreement and pressing the European Commission to come up with a new deal. On Thursday, Parliament won firmer Council and Commission commitments to put in place an EU programme to combat finance for terrorism.

"After tough negotiations the European Parliament has achieved this break-through on the SWIFT Agreement. The European Parliament has fostered a constructive solution, which meets both security and privacy concerns for EU citizens", said rapporteur Alexander Alvaro (ALDE, DE), adding that "The agreement also marks a new step in Parliament's powers. Not only is it the first time that a European official will be able to control and correct the operations of American agencies on US territory but sets a new marker for European democratic oversight over international agreements."

The text could be approved by the Council of Ministers on Monday 28 June, announced Spain's home affairs minister and current President of the Council Alfredo Pérez Rubalcaba. The Commission and Council would like Parliament to vote at its 7 July plenary session in Strasbourg, to authorise the conclusion of the agreement.

Thursday's discussion focused on how to put in place, on European soil, a system equivalent to the US Terrorism Finance Tracking Program (TFTP) so as avoid transferring data "in bulk" across the Atlantic. In a resolution passed on 5 May, the European Parliament had made the setting up of such a system a condition for approving the SWIFT agreement. In the subsequent negotiations, Parliament had a three-year revision clause inserted in the agreement.

"The Spanish Presidency has moved"

"A number of positive elements have been incorporated", said Claude Moraes (S&D, UK). "We must recognise the improvements (...) the Spanish Presidency has moved on the change to article 12 which we were asking for" (enabling staff designated by the EU to supervise the use of data, and, if necessary, to oppose the "mining" of data if it is misused.). At Parliament's request, the Commission also undertook to table a legislative proposal within 12 months.

"Much has been accomplished" said Simon Busuttil (EPP, MT) "because we are able to set in stone the dual approach" (which seeks to ensure that an EU equivalent to the US TFTP is put in place in parallel with a SWIFT agreement). However, as to whether Parliament could approve the deal in July, he felt that "it's not yet time to open the champagne. Quality matters more than speed".

"I think American democracy has the instruments to correct any problems that may arise", added Agustín Díaz de Mera (EPP, ES).

Questions on Europol's role

Press release

Under the draft agreement, Europol would assess whether the data transferred are necessary for the purposes of combating terrorism and its financing. "The negotiating mandate was breached, because Europol is not a judicial authority" as initially planned, observed Rui Tavares (EUL/NGL, PT). "Entrusting this role to Europol is like putting a drunk in charge of the wine cellar", he added. "An agent of the European Data Protection Supervisor should be detached to Europol, and the Commission should commit itself on this", proposed Stavros Lambrinidis (S&D, EL). "All Europol's acts are subject to judicial control", replied Mr Rubalcaba.

"Substantive problem" still there

"There is a substantive problem that is still there, which is not settled", said Raul Romeva i Rueda (Greens/EFA, ES): "at no time have we been supplied with clear documents justifying data transfers to the USA. This debate has not taken place". Rui Tavares added that "European data must be processed on European soil, under European laws (...) if we give way to the USA, other countries will want the same thing, and they too will be armed to negotiate", he warned. Furthermore, "European citizens will always be discriminated, because US law will not be changed", he added.

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