

EUROPEAN PARLIAMENT

FORM FOR TABLING PARLIAMENTARY QUESTIONS

To the: **COUNCIL**
COMMISSION

ORAL QUESTIONS	WRITTEN QUESTIONS
Oral Question with debate (Rule 42) <input type="checkbox"/> Question Time (Rule 43) <input type="checkbox"/>	Written Question (Rule 44) <input checked="" type="checkbox"/> Priority Written Question (Rule 44 (4)) <input type="checkbox"/>

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SUBJECT: TFTP interim and permanent overseer
 (please specify)

TEXT:

The EU Parliament approved on 8 July 2010 the Agreement between the EU and the USA on the processing and transfer of financial messaging data from the EU to the USA for purposes of the Terrorist Finance Tracking Program. The EP legislative resolution invited "the Commission, in compliance with Article 8 of the Charter of Fundamental Rights of the European Union, which requires that personal data be under the control of "independent authorities", to submit to the European Parliament and to the Council as soon as possible a choice of three candidates for the role of the EU independent person referred to in Article 12(1) of the Agreement" and pointed out that "the procedure is to be, mutatis mutandis, the same as that followed by the European Parliament and the Council for the appointment of the European Data Protection Supervisor as provided for by Regulation (EC) No 45/2001(3) <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2010-0279#def_1_3#def_1_3> implementing Article 286 of the EC Treaty".

On 27 August the European Commission announced to have appointed an interim independent overseer. The Commission had also published a call for candidatures on 29 July for the permanent post of TFTP overseer, and is now in the process of examination of the candidatures received. Still, the Commission has decided, "for security reasons", to keep the name of the interim overseer secret or confidential. The Commission has also declined to apply the procedure requested by the EP and stated that, due to the sensitive nature and he need to protect the confidentiality of the name of the designated person for security reasons, will keep the EP informed under the specific arrangements on forwarding of confidential information set up in the Framework Agreement between EU institutions.

Can the Commission indicate the legal basis for keeping confidential the identity of the EU public official - interim and/or permanent - overseeing the implementation of the TFTP agreement? Is there any precedent for such a decision or arrangement?

Signature(s): Date: 01.10.2010