

The President

08.FEV2010 200456

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

Dear President-in-Office,

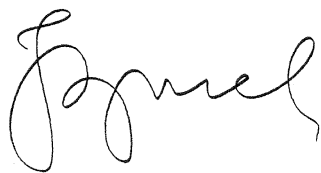
Thank you for your letter of 26 January 2009, replying to my own letters to successive Presidents-in-Office of 21 December 2009, and 15 and 21 January 2010 on the interim 'SWIFT' Agreement on the processing and transfer of financial messaging data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program (TFTP). As you know, the European Parliament attaches high priority to ensuring that civil liberties and data protection are fully and properly safeguarded in the important fight against terrorism.

The Parliament's Conference of Presidents, at its most recent meeting on 4 February, decided, in adopting the draft agenda for the forthcoming plenary session in Strasbourg, to schedule a debate and vote on the interim SWIFT Agreement on Wednesday 10 and Thursday 11 February respectively. Later on 4 February, the Parliament's Committee on Civil Liberties, Justice and Home Affairs met to discuss and adopt the draft Hennis-Plasschaert Report on the interim SWIFT agreement, voting by 29 votes to 23, with one abstention, to recommend to the plenary that it withhold its consent to the agreement.

I understand that the Committee of Permanent Representatives (Coreper) within the Council will be meeting later today to discuss the SWIFT situation. In this context, I would like to reiterate the importance of the letter which I wrote to your predecessor as President-in-Office, Fredrik Reinfeldt, on 21 December, which indicated that, as a condition for consent, the Council's negotiating mandate for the long-term agreement would need fully to reflect the concerns of, and recommendations made by, the European Parliament in its resolutions on the subject, and that the Parliament would need to be given access to all relevant documents and other information made available to the Council for the purpose of making its decision.

I thought that I should also let you know that I have received the attached letter from Hillary Clinton, US Secretary of State, and Timothy Geithner, US Treasury Secretary, on the SWIFT issue, which raises a number of interesting points. The permanent representatives may wish to be aware of this in advance of their discussion today.

I look forward to hearing back from you on this matter in due course.

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

Jerzy Buzek