EU/USA agreement: processing and transfer of Financial Messaging Data for purposes of the Terrorist Finance Tracking Program

2009/0190(NLE) - 11/02/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 378 votes to 196, with 31 abstentions, a legislative resolution in which it **withheld consent** to the conclusion of the Agreement between the EU and the USA on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program (TFTP).

It requested the European Commission to immediately submit recommendations to the Council with a view to a long-term agreement with the United States dealing with the prevention of terrorism financing.

It also reiterated that **any new agreement in this area should comply with the new legal framework established by the Treaty of Lisbon** and the now binding Charter of Fundamental Rights of the European Union, and renewed the requests made in its resolution of 17 September 2009, particularly in paragraphs 7 to 13 (please refer to RSP/2009/2670).

The resolution of September 2009 requested the Council and the Commission to confirm that batches and large files such as those concerning transactions relating to the Single European Payment Area (SEPA) would fall outside the scope of the data to be requested by or transferred to the US Treasury Department. It also underlined the importance of legal certainty and immunity for citizens and private organisations subject to data transfers under such arrangements as the proposed EU-US agreement.

In that resolution, Parliament also noted that it might be useful for the Commission to evaluate the necessity of setting up a European TFTP, and requested the Commission and the Presidency to ensure that the European Parliament and all national parliaments would be given full access to the negotiation documents and directives.

It should be noted that, notwithstanding the signature of the TFTP agreement by the parties, Parliament’s refusal to give consent to the agreement deprives it of any legal effect; therefore it cannot enter into force.