Resolution on the US National Security Agency surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' privacy

2013/2682(RSP) - 04/07/2013 - Text adopted by Parliament, single reading

The European Parliament adopted by 483 votes to 98 with 65 abstentions a resolution on the US National Security Agency surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' privacy.

The resolution was tabled by the Greens/EFA, EPP, ALDE and S&D groups.

It expresses **serious concern over PRISM** and other such programmes, and **strongly condemns the spying on EU representations**. If the information available up to now is confirmed, PRISM entails a serious violation of the fundamental right of EU citizens spying on EU representations implies a serious violation of the Vienna Convention on Diplomatic Relations, in addition to its potential impact on transatlantic relations. Parliament calls for immediate clarification from the US authorities.

Inquiry: in the resolution Parliament instructs its Committee on Civil Liberties, Justice and Home Affairs to conduct an in-depth inquiry into the matter in collaboration with national parliaments and the EU-US expert group set up by the Commission and to report back by the end of the year. The resolution sets out the remit of the inquiry, which includes: (i) fact-finding, (ii) investigating the alleged surveillance activities of US authorities as well as any carried out by certain Member States, (iii) exploring the most appropriate mechanisms for redress in the event of confirmed violations, and (iv) putting forward recommendations aimed at preventing further violations and strengthening IT security.

Full information: Members call on the US authorities to provide the EU with full information on PRISM and other such programmes involving data collection, and to suspend and review any laws and surveillance programmes that violate the fundamental right of EU citizens to privacy and data protection, the sovereignty and jurisdiction of the EU and its Member States, and the Convention on Cybercrime. The EU institutions and Member States must give consideration to the **possible suspension** of the passenger name record (PNR) and terrorist finance tracking programme (TFTP) agreements if necessary, in order to achieve these objectives.

Trade negotiations: Parliament states that it would be unfortunate if the efforts to conclude a Transatlantic Trade and Investment Partnership (TTIP) were to be affected by the recent allegations. It asks the Commission to ensure that EU data protection standards, and the negotiations on the current EU data protection package, are not undermined as a result of the TTIP with the US.

Allegations on Member States' surveillance: Parliament expresses serious concern at the revelations that several Member States have surveillance programmes of a similar nature to PRISM or are discussing the setting-up of such programmes, including the United Kingdom, Sweden, the Netherlands, Germany. Concerns have been expressed in other Member States in relation to the interception powers of secret services (Poland). It calls on all the Member States to examine the **compatibility of such programmes with EU law**, and with the EU's fundamental rights obligations deriving from the ECHR and the constitutional traditions common to the Member States.

Whistleblowers: Members stress the need for procedures allowing whistleblowers to unveil serious violations of fundamental rights and the need to provide such people with the necessary protection, including at international level. They express their continued support for investigative journalism and media freedom.

Data protection: Parliament wants the Commission and the US authorities to resume negotiations on the **framework agreement on the protection of personal data** without delay, stating that the agreement must meet at least the following criteria: (i) granting EU citizens the right to information when their data is processed in the US; (ii) ensuring that EU citizens' access to the US judicial system is equal to that enjoyed by US citizens, and (iii) granting the right to redress.

Lastly, Parliament demands that the **transatlantic expert group**, as announced by Commissioner Malmström and in which Parliament will participate, be granted an appropriate level of security clearance and access to all relevant documents in order to be able to conduct its work properly and within a set deadline.