

EUROPEAN PARLIAMENT

2004



2009

Session document

4.7.2006

B6-0385/2006

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Mihael Brejc

on behalf of the PPE-DE Group

and Brian Crowley, Romano Maria La Russa and Roberta Angelilli

on behalf of the UEN Group

on the alleged interception of bank transfer data from the SWIFT system by the
US secret services

European Parliament resolution on the alleged interception of bank transfer data from the SWIFT system by the US secret services

The European Parliament,

- having regard to European Court of Justice judgments C-317/04 and C-318/04,
- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas international terrorists and organised crime use the international banking system to further their nefarious activities,
- B. whereas it is imperative that law enforcement agencies have access to all possible tools to be able to fight terrorism and organised crime effectively,
- C. whereas the recent court rulings on the Passenger Name Records (PNR) case have underlined that there is no European Community competence in regard to data protection in matters relating to processing operations concerning public security, defence, State security and the activities of the State in areas of criminal law,
- D. whereas one newspaper in the USA has printed stories alleging that information from the Society for World Interbank Financial Telecommunication (SWIFT) has been requested by and made accessible to the US secret services, in particular the CIA,
- E. whereas the Belgian government has instigated a judicial investigation into the allegations,
- 1. Reaffirms its strong belief that law enforcement agencies should be equipped with all the necessary tools to combat terrorism and organised crime;
- 2. Recalls that the recent ECJ rulings (C-317/04 and C-318/04) underline that matters relating to processing operations concerning public security, defence, State security and the activities of the State in areas of criminal law, particularly Article 3(2) of Directive 95/46/EC, do not fall within the scope of Community competence;
- 3. Takes note of the statement by Commission Vice-President Frattini to the effect that the allegations, even if substantiated, do not fall within the scope of Community law;
- 4. Applauds the decision of the Belgian government to set up an investigation to ascertain the facts of the situation;
- 5. Urges the Council to reach agreement as soon as possible on the proposed Framework Decision on Data Protection in the third pillar;
- 6. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States and candidate countries.