

**Question for written answer E-008044/2011
to the Commission**
Rule 117
Alexander Alvaro (ALDE)

Subject: TFTP permanent overseer

The Agreement between the European Union and the United States of America 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 provides in Article 12 that compliance with the strict counter terrorism purpose limitation and the other safeguards set out in Articles 5 and 6 shall be subject to monitoring and oversight by independent overseers, including by a person appointed by the European Commission, with the agreement of and subject to appropriate security clearances by the United States. Such oversight shall include the authority to review in real time and retrospectively all searches made of the Provided Data, the authority to query such searches and, as appropriate, to request additional justification of the terrorism nexus. In particular, independent overseers shall have the authority to block any or all searches that appear to be in breach of Article 5.

The oversight described shall be subject to regular monitoring, including of the independence of the oversight described, in the framework of the review foreseen in Article 13. The Inspector General of the U.S. Treasury Department will ensure that the independent oversight is undertaken pursuant to applicable audit standards.

In August 2010 the European Commission requested the Treasury Department to approve an interim EU overseer, pending a thorough search for a permanent overseer.

In its answer to Written Question E-006633/2011 the Commission did not answer the following question, which is therefore retabled:

- Does the permanent overseer have full authority to review in real time and retrospectively all searches made of the Provided Data,
- the authority to block any or all searches that appear to be in breach of Article 5,
- the authority to query such searches and, as appropriate, to request additional justification of the terrorism nexus?