

Brussels, 12 September 2013

Dear Under Secretary Cohen,

I refer to our phone conversation of yesterday about recent press reports indicating that the NSA has had direct access to the IT systems of a number of private companies, including SWIFT.

I am extremely worried and puzzled by these reports.

Should the facts stated in these press reports be confirmed, they would further weaken the confidence between the EU and the US and would undoubtedly impact on our cooperation in the field of counter-terrorism.

You will recall that, just before the summer recess, I wrote to you to ask the US side to bring full clarity on the NSA surveillance programs in the context of the Joint EU-US Working Group set up for this purpose. I underlined in my letter that this was an issue of trust and confidence among partners. The US stated that there were no indications that the TFTP had been affected by the NSA programs.

Now, I need urgent clarifications from your side in order to measure to which extent the implementation of the TFTP Agreement has been impacted by those alleged spying activities by the NSA.

To that effect, I hereby request the opening of consultations under article 19 of the TFTP Agreement.

I request clear and unequivocal explanations in order to report to the Commission on this matter.

Yours sincerely,



Cecilia MALMSTRÖM

Mr. David S. Cohen
Under Secretary
Department of Treasury