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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 Sahra Wagenknecht, Giusto Catania, Umberto Guidoni

on behalf of the GUE/NGL Group

on violation of data protection rules in the European countries by the use of
SWIFT data by the US

European Parliament resolution on violation of data protection rules in the European countries by the use of SWIFT data by the US

The European Parliament,

- having regard to Articles 6 and 7 of the EU Treaty,
 - having regard to Articles 2, 3, 5 and 6 of the European Convention on Human Rights,
 - having regard to Articles II-66 and II-68 of the Charter of Fundamental Rights of the European Union,
 - having regard to the EU-US Transatlantic Dialogue and in particular to the EU-US summit of 21 June 2006,
 - having regard to the provisions of the EU-US agreement on judicial cooperation and extradition,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas on 22-23 June 2006 the *New York Times* revealed that the US Administration has been obtaining access to international transfer data from a consortium known as SWIFT, which manages the 'Swift' codes for international payments,
- B. whereas on 28 June 2006 Belgium's *Le Soir* cited an internal report of the Belgian National Bank to the effect that the European Central Bank and the Bank of England were aware that customers' payment data were being transferred to the US authorities,
- C. whereas the National Bank of Belgium (BNB), as the leading partners in SWIFT's Oversight Group, acknowledged that it knew of the transfers, but claimed in a press release of 26 June 2006 that it could do nothing about them because 'the monitoring of SWIFT's activities that do not affect financial stability is not a matter for the Oversight Group and therefore the US Treasury subpoenas of SWIFT were outside the purview of Central Bank oversight. Moreover, the Oversight does not have the authority either to approve or prohibit SWIFT's compliance',
- D. whereas newspapers reported that officials from the CIA, the FBI and other US agencies had been allowed since 2001 to inspect the transfers,
- E. whereas the organisation SWIFT, according to its own statement, responded to compulsory subpoenas for limited sets of data from the Office of Foreign Affairs Assets Control of the United States Department of the Treasury,
1. Is deeply concerned over the alleged violation of European Citizens' data protection by unlawful action;

2. Strongly condemns the pressure from the US authorities on organisations like SWIFT and on governments of other states to take illegal action in the name of fighting terrorism; condemns the governments and organisations which enabled and accepted the violation of citizens' data protection;
3. Recalls that Article 6 of the EU Treaty obliges the Union and the Member States to respect fundamental rights as guaranteed by the European Convention on Human Rights and as they result from the Member States' common constitutional traditions and common principles of data protection;
4. Is strongly concerned about the insufficient monitoring of SWIFT's activities by the BNB Oversight Group and by the National Bank of Belgium, and calls for an immediate reform that allows the Oversight Group to approve or prohibit SWIFT's cooperation with any national or private organization;
5. Expresses its deep concern over the allegations concerning the role of the ECB in the presumed illegal transfer of European citizens' data, and asks the president of the ECB to inform the European Parliament concerning the ECB's collaboration and its responsibilities;
6. Is concerned at the fact that there has been up to now no official statement by the ECB on its role in this affair; believes this undermines the confidence of the European citizens in the ECB;
7. Calls on the chairwoman of the ECON Committee to put this issue on the agenda of the next Monetary Dialogue with the President of the ECB;
8. Stresses that cooperation between the EU and third countries, including the US, has to be founded on full transparency and mutual respect for basic principles;
9. Believes that Parliament must hold a parliamentary inquiry, which should, at the very least, be conducted through a Temporary Committee set up under Rule 175 of its Rules of Procedure, to find out what happened and to prevent any similar future violations of the principles governing respect and protection of the human rights of EU citizens;
10. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States and applicant countries, the Council of Europe, and both Houses of the US Congress.