

**Question for written answer E-003779/2011
to the Commission**

Rule 117

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Subject: TFTP review - Article 13 and Article 4

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 for a periodical review of the implementation of the Agreement. The Commission presented its report on the joint review of the implementation of the Agreement on 16 March 2011.

The review provisions are contained in Article 13 of the Agreement. Drawing from the content of Article 13, the review must have particular regard to the number of financial payment messages accessed. Why is this number not mentioned in the Commission report? What is the number?

According to Article 4 of the Agreement, requests must be tailored as narrowly as possible. According to official reports, for technical reasons, the designated providers of international financial payment messaging services can only provide data in bulk. Why have there not been any cases where financial payment messaging data which had not been requested were transmitted?

According to the Commission report, although the wording of these phrases is similar, there is a clear difference in the practical effects of the application of the terminology 'as narrowly tailored as possible' as used in both articles 4(2) (with respect to the data requested of the designated provider) and Article 5(6) (with respect to the searches of the data). Why does the Commission accept the different application of this terminology?

According to the Commission report, the TFTP Agreement cannot work effectively without the provision of significant amounts of data, since it is impossible to predict in advance which part of that data will be relevant to a terrorism investigation. Why does the Commission not consider this to be in breach of Article 4 of the Agreement?

According to the Commission report, the review team was presented with evidence of the reduction in the scope of the information requested during the first six months of the Agreement. What was the percentage of the reduction?