

**Question for written answer E-002617/2023
to the Commission**

Rule 138

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Subject: EU participation in US Enhanced Border Security Partnership

The EU's potential participation in the US Enhanced Border Security Partnership (EBSP) has raised many concerns about fundamental rights and data protection. We consider the lack of transparency regarding the negotiations regrettable and would like to ask the following questions:

1. The Swedish Presidency said in a document dated 18 April 2023¹ that 'the Commission has recently opted for a pragmatic approach, that is to disassociate information exchange from issues linked to visa policy'. Given that participation in the EBSP is proposed as a requirement for benefiting from US visa waivers, how exactly has the Commission 'disassociated' information exchange from visa policy?
2. Council documents also indicate² that a 'proof of concept' is being prepared between the Commission and the US on the exchange of data, yet 'the Commission is not preparing a Commission proposal for a Council Decision authorising the opening of negotiations for an agreement on [the] EBSP between the EU and the US'. What is the legal basis underpinning the 'proof of concept', in particular as regards any plans to exchange personal or other data?
3. Regarding the working group that is discussing the EBSP, what rank of officials are participating, how many meetings have taken place and on what dates, when are the next meetings scheduled and what is the working group's remit?

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¹ <https://www.statewatch.org/media/3861/eu-council-usa-border-security-partnerships-paper-8307-23.pdf>.

² <https://www.statewatch.org/news/2023/april/usa-border-plan-requires-continuous-and-systematic-transfers-of-biometric-data>.