

ORAL QUESTION WITH DEBATE O-0131/06

pursuant to Rule 108 of the Rules of Procedure

by Pervenche Berès, on behalf of the Committee on Economic and Monetary Affairs, Jean-Marie Cavada, on behalf of the Committee on Civil Liberties, Justice and Home Affairs  
to the Council

Subject: SWIFT

At the end of June 2006, the media revealed that SWIFT had been providing personal data to the US authorities since the end of 2001. On 22 November, the Article 29 Working Party adopted an opinion concluding that the EU Data Protection Directive 95/46/EC<sup>1</sup> had not been respected and calling for measures to be taken in order to remedy the currently illegal state of affairs without delay.

Our questions to the Council are the following.

1. The Council and the Member States have been particularly silent in this affair so far. Notably the Council declined to participate in the hearing jointly held by the ECON and LIBE committees. Why have the Council and the Member States been passive in an affair where their citizens' data have not been protected and where there is a suspicion of business espionage?
2. What is the aim of the new Working Group recently created in the Council - is there an intention to negotiate with the US administration on the matter?
3. Will the future agreement be compliant with the new European rules in this domain (REG (EC) No 1781/2006<sup>2</sup> of 15 November 2006 on information on the payer accompanying transfers of funds)?
4. Does the Council know whether the data collected by SWIFT are fed into the US Automatic Targeting System?
5. As far as the communication of personal data to the US Treasury is concerned, the Article 29 WP considers that an existing international framework is already available in the fight against terrorism and that the possibility already offered therein should be exploited while ensuring the required level of protection of fundamental rights. What actions within such a framework does the Council intend to take regarding US authorities to restore respect for fundamental European principles as regards data protection?
6. Access to data managed by SWIFT makes it possible to get information on the economic activities of the individuals, businesses and countries concerned which could give rise to forms of economic and business espionage. In view of this potential, what actions does the Council intend to take?

Tabled: 21.12.2006

Forwarded: 22.12.2006

Deadline for reply: 12.01.2007

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<sup>1</sup> OJ L 281, 23.11.1995, p. 31.

<sup>2</sup> OJ L 345, 8.12.2006, p. 1.