

ORAL QUESTION WITH DEBATE O-0132/06

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 Commission

Subject: SWIFT

1. 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/EC¹ had not been respected and calling for measures to be taken in order to remedy the currently illegal state of affairs without delay. Such an interpretation has been shared by the Commission, which has formally asked the Member States about the possible infringement by SWIFT of Directive 95/46/EC. What is the outcome of the letters sent by the Commission to the Member States?
2. 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.

Within such a framework, what actions does the Commission intend to take as regards the US authorities in order to restore respect for fundamental principles of data protection and the new European law in this domain (REG (EC) No 1781/2006² of 15 November 2006 on information on the payer accompanying transfers of funds)?

3. 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 businesses espionage. In view of this potential, what actions does the Commission intend to take?
4. Can the Commission deliver the content of the MOU between SWIFT and the US authorities which sets out the procedure for access to the data by the US authorities?
5. Does the Commission know whether the data collected by SWIFT are fed into the US Automatic Targeting System?
6. Given the revelations about SWIFT providing personal data to the US authorities, is the Commission aware of any other requests to any other private companies (such as bank card companies, telecommunication providers, social security providers) to make their data available to the US authorities?

Tabled: 21.12.2006

Forwarded: 25.12.2006

Deadline for reply: 01.01.2007

¹ OJ L 281, 23.11.1995, p. 31.

² OJ L 345, 8.12.2006, p. 1.