

Agreement between the EU and the USA on the processing and transfer of financial messaging data from the EU to the USA for purposes of the Terrorist Finance Tracking Program ***

European Parliament legislative resolution of 8 July 2010 on the draft Council decision on the conclusion of 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 (11222/1/2010/REV 1 and COR 1 – C7-0158/2010 – 2010/0178(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (11222/1/2010/REV 1 and COR 1),
 - having regard to the text of 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, which is attached to the above-mentioned draft Council decision,
 - having regard to its resolution of 5 May 2010 on the Recommendation from the Commission to the Council to authorise the opening of negotiations for an agreement between the European Union and the United States of America to make available to the United States Treasury Department financial messaging data to prevent and combat terrorism and terrorist financing¹,
 - having regard to the opinion of the European Data Protection Supervisor of 22 June 2010²,
 - having regard to the opinion expressed by the Article 29 Data Protection Working Party and the Working Party on Police and Justice on 25 June 2010,
 - having regard to the request for consent submitted by the Council pursuant to Article 218 (6), second subparagraph, point (a) in conjunction with Article 87(2), point (a) and Article 88(2) of the Treaty on the Functioning of the European Union (C7-0158/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0224/2010),
1. Consents to conclusion of the Agreement;
 2. Invites the Commission, in compliance with Article 8 of the Charter of Fundamental Rights of the European Union, which requires that personal data be under the control of

¹ Texts adopted, P7_TA(2010)0143.

² Not yet published in the Official Journal.

"independent authorities", to submit to the European Parliament and to the Council as soon as possible a choice of three candidates for the role of the EU independent person referred to in Article 12(1) of the Agreement; points out that the procedure is to be, *mutatis mutandis*, the same as that followed by the European Parliament and the Council for the appointment of the European Data Protection Supervisor as provided for by Regulation (EC) No 45/2001¹ implementing Article 286 of the EC Treaty;

3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and the government of the United States of America; further instructs its President to enter into inter-parliamentary dialogue with the Speaker of the United States House of Representatives and the President pro tempore of the United States Senate on the future framework agreement on data protection between the European Union and the United States of America.

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).