



Mr Walter STANISH

By email: ask+request-201-6ebe068b@asktheeu.org

Brussels, 27 August 2012

HH/ABo/mch/ D(2012) 1712 C 2012-0673

Subject: Your requests for access to documents of 5 August 2012 (C 2012-0673)

Dear Mr Stanish,

On 5 August 2012, you have sent an access to documents request to the EDPS on the basis of Regulation (EC) No 1049/2001.

The request concerns information regarding any and all international financial data sharing agreements (such as the EU-US TFTP agreement) that are either presently active or under consideration by EU bodies. Furthermore, the request concerns any and all information available regarding the name, scope, and content of any similar information sharing scheme operating within the European Union or individual EU nations.

After a careful examination of your requests we have identified a list of documents held by the EDPS which could provide parts of the information you request for.

Most of these documents are already publicly available. To foster your search for information we hereby provide you with a list (see the Annex to this letter) which includes an explanation where to find these documents.

The remaining documents need further examination. On the basis of Article 4(4) of Regulation (EC) No 1049/2001 we have consulted the Commission and the Council with a view to assessing whether an exception contained in Article 4 of the Regulation is applicable.

Due to the relatively large number of documents relating to different dossiers, and due to the absence of certain persons during the summer period in the Commission and in the Council, the EDPS is forced to extend the deadline by 15 working days on the basis of Article 7(3) of Regulation (EC) No 1049/2001.

This means you will receive an answer to your requests relating to the remaining documents, ultimately on 18 September 2012.

Yours sincerely,

Hielke HIJMANS

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Annex: List of documents already publicly available

EDPS Comments and Opinions

EDPS Comments on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 July 2011: "A European terrorist finance tracking system: Available options" (25.10.2011)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Comments/2011/11-10-25_Comments_TFTS_EN.pdf

EDPS letter of 25 October 2011 to Ms Cecilia Malmström, European Commissioner for Home Affairs

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Comments/2011/11-10-25_Letter_Malmstroem_EN.pdf

EDPS Opinion on the Proposal for a 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 purposes of the Terrorist Finance Tracking Program (TFTP II) (22.06.2010)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2010/10-06-22_Opinion_TFTP_EN.pdf

EDPS Comments on different international agreements, notably the EU-US and EU-AUS PNR agreements, the EU-US TFTP agreement, and the need of a comprehensive approach to international data exchange agreements (25.01.2010)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Comments/2010/10-01-25_EU_US_data_exchange_EN.pdf

EDPS Opinion on the role of the European Central Bank in the SWIFT case (01.02.2007)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Inquiries/2007/07-02-01_Opinion_ECB_role_SWIFT_EN.pdf

Council documents

Council register: <http://www.consilium.europa.eu/documents/access-to-council-documents-public-register.aspx?lang=EN>

Official Journal of the EU: <http://eur-lex.europa.eu/JOIndex.do>

Europol's role in the framework of the EU-US TFTP Agreement and state of play of operational and strategic agreements of Europol (specific focus: the agreement on exchange of personal data and related information that Europol has with the US)
- EU information policy on the TFTP Agreement (ST 6266/11 LIMITE; 8.2.2011)

Commission staff working paper: Report on the joint review of the implementation 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 17-18 February 2011 (ST 8142/11; 31.3.2011)

Draft Agreement between the European Union and the United States of America on the Processing and Transfer of Financial Payment Messaging Data from the European Union to the United States of America for the purposes of the Terrorist Finance Tracking Program (ST 11048/11 LIMITE; 11.6.2010)

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 purposes of the Terrorist Finance Tracking Program (ST 11172/10 + ST 11172/10 COR 1 + ST 11172/1/10 REV 1; Interinstitutional file 2010/0178 (NLE); 7.10.2010)

Council Decision on the signature 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 purposes of the Terrorist Finance Tracking Program (ST 11173/10 + ST 11173/10 COR 1 + ST 11173/1/10 REV 1; Interinstitutional file 2010/0177 (NLE); 7.10.2010)

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 (ST 11222/10 + ST 11222/1/10 REV 1 + ST 11222/1/10 REV 1 COR 1 + ST 11222/1/10 REV 1 COR 4; Interinstitutional file 2010-0178 (NLE); 22.6.2010)

COUNCIL DECISION on the signing, on behalf of the Union, 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 (ST 11223/10, ST 11223/1/10 REV 1; Interinstitutional file 2010/0177 (NLE); 22.6.2010)

Council Decision on 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

- Adoption of the Decision on conclusion (ST 11338/10 + ST 11338/1/10 REV 1; Interinstitutional file 2010/0178 (NLE); 12.7.2010)

Declarations to be adopted upon the adoption of the Council Decision on signature of the TFTP Agreement (ST 11350/10 + ST 11350/1/10 REV 1 + ST 11350/2/10 REV 2; 22.6.2010)

Proposal for a 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 purposes of the Terrorist Finance Tracking Program (TFTP II) (ST 11580/10; 28.6.2010)

Proposal for a Council Decision on the signature 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 (ST 11584/10; Interinstitutional file 2010/0177 (NLE); 28.6.2010)

Declarations made upon the adoption of the Council Decision on the signing, on behalf of the Union, 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 (ST 11594/10; 28.6.2010)

Proposal for a 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 (ST 12024/10; Interinstitutional file 2010/0178 (NLE); 12.7.2010)

Council Decision 2010/16/CFSP/JHA of 30 November 2009 on the signing, on behalf of the European Union, 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 purposes of the Terrorist Finance Tracking Program (OJ L 8, 13.1.2010, p. 9)

Communication from the Commission to the European Parliament and the Council - A European terrorist finance tracking system: available options (COM (2011)429) - Orientation ministerial debate on the TFTS (ST 14207/11; 15.9.2011)

Terrorist Finance Tracking System (TFTS) - European Commission Communication of 13 July 2011 (ST 16012/11 LIMITE; 26.10.2011)

Communication from the Commission to the European Parliament and the Council – A European terrorist finance tracking system: available options
State of play (ST 18287/11; 14.12.2011)