

## ARTICLE 29 Data Protection Working Party



Brussels, 21 December 2012

Juan Fernando López Aguilar  
Chairman of the Committee on Civil Liberties,  
Justice and Home Affairs  
European Parliament  
Rue Wiertz 60  
B-1047 Brussels  
Belgium

Dear Mr. López Aguilar,

Following the presentation of the Second Joint Review Report of the Terrorist Finance Tracking Program Agreement between the European Union and the United States (hereafter: TFTP Agreement) in the LIBE Committee of the European Parliament on Tuesday 18 December 2012, I wish to inform you on behalf of the Article 29 Working Party that I do not endorse the statements made by a representative of the European Commission during that meeting.

The European Commission has erroneously presented conclusions to your Committee that were not agreed by the delegation during the preparation of the report. I specifically refer to the remark that “all members of the EU Review Team have confirmed the press release of the JSB Europol was wrong”. Furthermore, I find it unacceptable that the European Commission has publicly cast doubt on the integrity of the two representatives of the data protection authorities in the Joint Review team, based upon the fact that they also take part in the inspections of a part of the TFTP Agreement that are carried out by the JSB Europol. The Article 29 Working Party has deliberately put forward these two experts for participation in the Joint Review because of their full knowledge and understanding of both the TFTP Agreement and the workings of the Terrorist Finance Tracking Program.

At the start of the New Year, I will get in touch with the European Commission to further discuss this difference of opinion. I will of course ensure that the European Parliament is informed about the outcome of such a meeting as well. However, until the moment such a discussion has taken place, the Article 29 Working Party hereby suspends all participation into the oversight mechanism of the TFTP Agreement.

A copy of this letter will be sent to Mr Manservisi, Director General Home Affairs of the European Commission.

Yours sincerely,

Jacob Kohnstamm  
Chairman

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental Rights and Union Citizenship) of the European Commission, Directorate General Justice, B-1049 Brussels, Belgium, Office No LX-46 01/190.

Website: [http://ec.europa.eu/justice/policies/privacy/index\\_en.htm](http://ec.europa.eu/justice/policies/privacy/index_en.htm)