



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: European Parliament plenary session in Strasbourg on 11 June 2013:
Debate on US Internet surveillance of EU citizens (NSA PRISM programme)

In his statement on behalf of the Commission, Commissioner Borg expressed concerns over media reports regarding alleged US data monitoring practices and access to data stored by major service providers in relation to EU citizens. He acknowledged the importance EU citizens attach to data protection and privacy, and recognized the difference in approach between the US and EU on data protection, namely the fact that US only grants protection to its own citizens, whereas in the EU it is considered to be a right enjoyed by everyone. He stressed that this thorny legal issue was not new and had been raised on several occasions with the US authorities in discussions regarding a possible agreement on data transfers for law enforcement purposes and within the context of a future general data protection agreement with the US. The upcoming EU-US ministerial meeting in Dublin on 13-14 June would provide an opportunity to raise this issue and to ask for clear commitments regarding EU citizens, who should be given the same guarantees afforded to US citizens. The Commission has also asked for clarification on the information collected.

He also stressed that within the EU robust data protection legislation was needed in line with the Commission proposal, including on territorial scope and international transfers. EU rules should be applied by foreign companies operating on the EU market. He called on the European Parliament to adopt swiftly the data protection reform in order to close any loopholes and implement improved data protection rules in the EU.

The following views were expressed on behalf of political groups :

Mr Weber Manfred, on behalf of the EPP, confirmed that his group was concerned with the report on US data monitoring activities and said that different rules for EU citizens compared to US citizens were not acceptable. He called for more transparency and clarifications from the US government in order to protect EU citizens and customers. He proposed the creation of common EU-US standards on data protection and stressed the need to develop the EU cloud industry. Regarding data protection reform he asked the Council to concentrate on major challenges. He concluded that the US was a partner country, and although there were differences in approach, the EU and US were working towards common goals.

Mr Moraes, on behalf of the S&D, said that the recent revelations from the US were shocking and signalled a clear breach of trust. It was vitally important that all political groups gave support to the Commissioner for the upcoming Dublin Ministerial meeting, where the US authorities should be held accountable for the mass processing of unnecessary information on EU citizens for law enforcement and security purposes under secret FISA orders, and in breach of EU data protection legislation. He regretted the absence of an overall data protection agreement with the US, with negotiations currently stalled and underlined the need to have an agreement for transfers for law enforcement purposes. He reiterated the support of his group for the EU data protection reform. Special attention should also be given to data protection clauses during the negotiations for the EU-US Transatlantic Trade and Investment Partnership.

Ms in 't Veld, on behalf of the ALDE, expressed disappointment at the fact that President Barroso was not addressing the Plenary on such an important issue, but was equally disappointed that only a handful of MEPs were present in the chamber. It was clear that the EU was failing its own citizens.

She stressed that recent media revelations did not come as a surprise; she has tabled a number of questions to the Commission on these issues, and accused Member States of double speak leading to the loss of moral authority, in particular internationally. She concluded that spying on EU citizens should not be part of a special relationship between the EU and the US and called for clear political leadership on this issue from the Commission.

Mr Albrechts, on behalf of the Greens, shared all the concerns expressed by previous speakers and said these were not technical issues but fundamental questions regarding the rule of law and democracy. He stressed that mass surveillance was not in line with democratic principles. He called on the US to commit to common rules on the transfer of data for law enforcement purposes.

Mr Kirkhope, on behalf of the ECR, said it was too early to draw any conclusions and regretted that many MEPs adopted a clearly anti-US rhetoric of accusations. In his view there was a fine balancing act between security concerns and privacy, which clearly had to be within the rule of law. He called on everyone to reflect on who was the real enemy. He concluded that the matter should be discussed further with US authorities.

Mr Paska, on behalf of EDF, was outraged that the US had been accessing information of EU citizens in violation of EU legislation.

Ms Vergiat, on behalf of GUE, said that doubts about data monitoring have now been confirmed, and that the clarifications offered by President Obama spoke for themselves. She requested that the level of protection afforded to EU citizens be the same as that afforded to US citizens.

Mr Ehrenhouser, non-attached, was critical of US activities and called for the US authorities to be held accountable and appear before the European Parliament.

In his closing remarks Commissioner Borg explained that Commissioner Reding would be in the LIBE committee on 19 June and report back from the Dublin ministerial meeting. He said the debate clearly showed both the need to obtain clarifications from the US and the need for EU rules to be applied for EU citizens. The special relationship between the EU and the US meant there were obligations to be respected. He also reiterated his call for the swift adoption of data protection reform.