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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 28 November 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: Communication from the Commission to the European Parliament and the
Council on the Joint Report from the Commission and the U.S. Treasury
Department regarding the value of TFTP Provided Data pursuant to Article
6 (6) 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

Delegations will find attached Commission document COM(2013) 843 final.

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Brussels, 27.11.2013
COM(2013) 843 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

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the value of TFTP Provided Data pursuant to Article 6 (6) of the Agreement between the
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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the Joint Report from the Commission and the U.S. Treasury Department regarding the value of TFTP Provided Data pursuant to Article 6 (6) 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

1. Legal basis

In accordance with Article 6 (6) 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 (the Agreement), the European Commission and the U.S. Treasury Department have prepared the joint report regarding the value of Terrorist Finance Tracking Program (TFTP) Provided Data ('Joint Report'), "with particular emphasis on the value of data retained for multiple years and relevant information obtained from the joint review conducted pursuant to Article 13."

2. Procedural aspects

The modalities of this Report have been determined jointly by the European Commission and the U.S. Treasury Department, in line with Article 6 (6) of the Agreement.

The European Commission and the U.S. Treasury Department began discussions on the modalities, mandate, and methodology for the report in December 2012. On 25 February 2013 the EU and the U.S. assessment teams met in Washington, D.C. in order to discuss the preparation of the Report and convened a second meeting at the Europol premises in The Hague on 14 May 2013. During the meeting in The Hague, the EU and the U.S. teams also met with Europol representatives to discuss the initial input from all parties and the next steps.

On the EU side, the European Commission held a classified meeting with representatives of the Member States on 13 May 2013. Member States and Europol have provided written contributions, which have been considered and reflected upon in the preparation of this Report. To this end, Europol issued a questionnaire to all concerned Member States in order to collect relevant information for its input for this Report. The questionnaire aimed at obtaining a current overview of the added value of TFTP Provided Data, in relation to specific cases investigated by competent authorities in relevant Member States.

Between 1 February and 24 May 2013, the U.S. assessment team interviewed counter terrorism investigators at a variety of agencies, reviewed counter terrorism cases in which the TFTP was used, and analysed over 1,000 TFTP reports to assess the value of TFTP-derived information.

3. Scope

The information for the Report has been provided by the U.S. Treasury Department, Europol, and the Member States. The Report focuses on how the TFTP Provided Data have been used

and the value the data bring to counter terrorism investigations in the United States and the EU. The Report includes multiple concrete examples where TFTP data, including data retained for three years or more, have been valuable in counter terrorism investigations, in the United States and the EU, before and since the Agreement entered into force on 1 August 2010. In addition to this Report, other examples of the usefulness and value of the TFTP data have been presented in the context of the two joint reviews, carried out in February 2011 and October 2012, pursuant to Article 13 of the Agreement. As a whole, these factual and concrete sets of information constitute a considerable step forward in further explaining the functioning and the added value of the TFTP.

The Report also describes the methodology for the assessment of retention periods by the U.S. Treasury Department and deletion of non-extracted data.

The Report demonstrates that TFTP Provided Data, including data retained for multiple years, have been delivering very important value for the counter terrorism efforts in the United States, Europe, and elsewhere.

With the present Communication, the Commission transmits the Joint Report in Annex to the European Parliament and the Council.