



Council of the  
European Union

Brussels, 10 November 2014  
(OR. en)

15671/2/09  
REV 2 ADD 1 DCL 1

JAI 813  
USA 99  
RELEX 1043  
DATAPROTECT 71  
ECOFIN 719

## DECLASSIFICATION

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of document: 15671/09 REV 2 ADD 1 RESTREINT UE

dated: 23 November 2009

new status: Public

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Subject: Draft Council Decision 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 Programme ("SWIFT" Agreement)  
- Draft Council declaration + draft Council and Commission declaration.

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 November 2009**

**15671/2/09  
REV 2 ADD 1**

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## **ADDENDUM TO NOTE**

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from : Presidency  
to : Delegations  
prev.doc. : 15397/09 JAI 782 USA 95 RELEX 1009 DATAPROTECT 69 ECOFIN 699  
Subject : Draft Council Decision 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 Programme ("SWIFT" Agreement)  
- Draft Council declaration + draft Council and Commission declaration.

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Delegations find attached a draft Council declaration and draft joint Council and Commission declaration, to be adopted together with the Decision on signing of draft EU-US Agreement. As the latter declaration contains a joint commitment of the Council and the Commission, it is appropriate for it to be adopted jointly by the Council and the Commission.

**Draft Council Declaration, to be adopted, together with the Decision on signing 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 Programme**

“The Council calls upon the Commission to submit as soon as possible, and at any rate no later than February 2010, a recommendation to the Council for the negotiation of a long-term EU-US Agreement on the processing and transfer of financial messaging data from the European Union to the United States for purposes of the Terrorist Finance Tracking Programme (TFTP). Such recommendation should be directed at establishing a European legal basis for such co-operation with the United States, fully safeguarding individuals' data protection rights. The current Agreement is without prejudice to any provisions in the long-term agreement, in particular as regards to the issues of redress or transmission of data to third countries.”

Upon receipt of this recommendation, the Council shall endeavour to adopt as soon as possible a decision authorising the opening of negotiations”.

**Draft Joint Council and Commission Declaration, to be adopted, together with the Decision on signing 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 Programme**

"In order to allow the European Parliament to give its consent to the conclusion of this Agreement, the Commission and the Council commit themselves to inform the Parliament immediately and fully at all stages of the procedure."