



Council of the
European Union

Brussels, 19 November 2014
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JAI 278
USA 54
RELEX 274
DATAPROTECT 31

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Subject: Recommendation from the Commission to the Council to authorise the opening of negotiations for an agreement between the European Union and the United States of America to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing

Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 April 2010

**8353/1/10
REV 1 (19.11.14)**

RESTREINT UE

**JAI 278
USA 54
RELEX 274
DATAPROECT 31**

COVER NOTE

from: Presidency

to: Council

prev. doc. 7936/10 JAI 254 USA 48 RELEX 252 DATAPROTECT 28 RESTREINT UE

Subject: Recommendation from the Commission to the Council to authorise the opening of negotiations for an agreement between the European Union and the United States of America to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing

1. On 24 March 2010 the Commission presented a Recommendation to the Council to authorise the opening of negotiations for an agreement between the European Union and the United States of America to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing.

2. Further to the discussions at the JHA Counsellors meetings of 31 March, 8 and 16 April 2010, the Presidency has revised the draft negotiation directives for such an EU-US Agreement. The Presidency has endeavoured to incorporate as many comments as possible, while at the same time trying to maintain balanced negotiation guidelines which offer a realistic perspective of the conclusion of an EU-US TFTP Agreement.

3. **NOT DECLASSIFIED**

4. *The Council is invited to :*

- a) adopt the draft Council decision authorising the opening of negotiations and the annexed negotiating directives, set out in the Annex to this note; and*
 - b) decide that this Council decision shall not be published in the Official Journal.*
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**DECISION OF THE COUNCIL AUTHORISING THE OPENING OF NEGOTIATIONS
WITH THE UNITED STATES OF AMERICA TO MAKE AVAILABLE TO THE UNITED
STATES TREASURY DEPARTMENT FINANCIAL PAYMENT MESSAGING DATA TO
PREVENT AND COMBAT TERRORISM AND TERRORIST FINANCING**

THE COUNCIL OF THE EUROPEAN UNION

HAVING regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) thereof,

HAVING regard to the recommendation from the Commission,

WHEREAS negotiations should be opened with a view to concluding an agreement with the United States of America to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing,

Article 1

1. The Commission is hereby authorised to open of negotiations on behalf of the European Union for an agreement with the United States of America to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing.

2. The negotiations shall be conducted on the basis of the negotiating directives in the Annex.

Article 2

COREPER shall designate a Working Party of the Council to assist the negotiator in its task as the special committee in consultation with which the negotiations are to be conducted in accordance with Article 218(4) of the Treaty on the Functioning of the European Union.

Article 3

This Decision is addressed to the Commission.

Done at....

For the Council

The Presidency

NEGOTIATING DIRECTIVES

NOT DECLASSIFIED

NOT DECLASSIFIED

NOT DECLASSIFIED

NOT DECLASSIFIED

NOT DECLASSIFIED

NOT DECLASSIFIED

NOT DECLASSIFIED

27. The Agreement shall be equally authentic in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish language and shall include a language clause to this effect;

NOT DECLASSIFIED
