



Council of the  
European Union

**Brussels, 18 November 2014  
(OR. en)**

**11715/1/09  
REV 1 EXT 1**

**JAI 449  
USA 54  
RELEX 638  
DATAPROTECT 46  
ECOFIN 493**

### **PARTIAL DECLASSIFICATION**

---

of document: 11715/1/09 REV 1 RESTREINT UE

dated: 9 July 2009

new status: Public

---

Subject: Recommendation from the Commission to the Council to authorise opening of negotiations between the European Union and the United States of America for an international agreement 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, 9 July 2009**

**11715/1/09  
REV 1 EXT 1 (18.11.2014)**

**JAI 449  
USA 54  
RELEX 638  
DATAPROTECT 46  
ECOFIN 493**

**NOTE**

---

from : Presidency

to : JHA Counsellors/COREPER/Council

---

No prev. doc : 11006/09 JAI 397 USA 43 RELEX 574 DATAPROTECT 42

---

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

---

Following the JHA Counsellors' meeting of 7 July 2009, the Presidency has further revised the proposed negotiation guidelines for an international EU-US Agreement to make available to the United States Treasury Department financial payment messaging data to prevent and combat terrorism and terrorist financing. This text is obviously subject to a general scrutiny reservation by all delegations. DK has entered a parliamentary scrutiny reservation.

**NEGOTIATING DIRECTIVES**

1. The Agreement is a short term (maximum two year duration) interim agreement to be negotiated on the basis of Articles 24 and 38 of the Treaty on European Union. In the event that the Lisbon Treaty enters into force, Council will be asked to adopt a new mandate based on Article 218 TFEU for conclusion of a European Union – United States agreement to replace the Article 24 / 38 Agreement.

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

**NOT DECLASSIFIED**

14. The Agreement shall be equally authentic in the Bulgarian, Czech, Danish, Dutch, 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;
15. The Agreement should be concluded for a maximum period of two years;
16. The Agreement shall provide for provisional application in the framework of existing national laws from the time of signature until entry into force of the Agreement.

---