



The agreement between the EU and the United-States on the processing of financial messaging data must not be implemented

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AEDH protests against the enforcement of the temporary agreement between the EU and the USA on the processing of Financial Messaging Data from the European Union to the United States for the purpose of the Terrorist Finance Tracking Program. This agreement was approved by the Council on 30 November 2009, to avoid the co-decision procedure of the Lisbon Treaty (enforceable since 1 December 2009) and the observations made by the European Parliament. But it requires the latter's assent. The parliamentary Committee on "Civil Liberties, Justice and Home Affairs" had the courage to vote against this agreement. We ask the European Parliament to stand against it.

Many questions will be raised by AEDH on the content and the effects of such an agreement, in any case:

The agreement does not respect neither articles 7 and 8 of the Charter of Fundamental Rights nor the principles of proportionality and necessity written in the Treaty of the European Union, nor the European directive on the protection of personal data. It subjects the European Union and its residents to US legal rules on personal data protection and to US anti-terrorist policy. It does not open any judicial remedy for the European citizens concerning the use of their personal data by the American authorities.

Contrary to what is asserted in article 1 of the agreement, there is neither full respect for privacy nor any protection of personal data. These fundamental rights are relegated to a future world where there would be no real or unproven terrorism.

The principle of finality for personal data asserted in the European law is flouted. Individuals and companies' commercial transactions necessarily go through a financial institution, with the objective of processing financial data. These data are misused to help identifying persons likely to be linked to terrorism.

The only guarantees of good implementation of this agreement have been given by Mr Jean-Louis Bruguière, the European personality, in his classified and secret reports. However, the relevance of his reports has been called into question by some MEPs.

Therefore, AEDH condemns such an agreement and the procedure used by the Commission and the Council to avoid the new co-decision power of the European Parliament. It asks the MEPs, citizens and EU residents to stand against the implementation of this agreement.

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The European Association for the Defense of Human rights (AEDH) is an umbrella organisation that brings together leagues and associations defending Human rights in EU countries. It is an associate member of the International Federation for Human Rights (FIDH). For further information: www.aedh.eu