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**European Union
and
United States of America**

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 (with annex). Brussels, 28 June 2010

Entry into force: *1 August 2010 by notification, in accordance with article 23*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Council of the European Union, 9 May 2011*

**Union européenne
et
États-Unis d'Amérique**

Accord entre l'Union européenne et les États-Unis d'Amérique sur le traitement et le transfert de données de messagerie financière de l'Union européenne aux États-Unis d'Amérique aux fins du programme de surveillance du financement du terrorisme (avec annexe). Bruxelles, 28 juin 2010

Entrée en vigueur : *1^{er} août 2010 par notification, conformément à l'article 23*

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Enregistrement auprès du Secrétariat des Nations Unies : *Conseil de l'Union européenne, 9 mai 2011*

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 EUROPEAN UNION,

of the one part, and

THE UNITED STATES OF AMERICA,

of the other part,

Together hereinafter referred to as "the Parties",

DESIRING to prevent and combat terrorism and its financing, in particular by mutual sharing of information, as a means of protecting their respective democratic societies and common values, rights, and freedoms;

SEEKING to enhance and encourage cooperation between the Parties in the spirit of transatlantic partnership;

RECALLING the United Nations conventions for combating terrorism and its financing, and relevant resolutions of the United Nations Security Council in the field of fighting terrorism, in particular United Nations Security Council Resolution 1373 (2001) and its directives that all States shall take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information; that States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts; that States should find ways of intensifying and accelerating the exchange of operational information; that States should exchange information in accordance with international and domestic law; and that States should cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and to take action against perpetrators of such attacks;

RECOGNIZING that the United States Department of the Treasury's ("U.S. Treasury Department") Terrorist Finance Tracking Program ("TFTP") has been instrumental in identifying and capturing terrorists and their financiers and has generated many leads that have been disseminated for counter terrorism purposes to competent authorities around the world, with particular value for European Union Member States ("Member States");

NOTING the importance of the TFTP in preventing and combating terrorism and its financing in the European Union and elsewhere, and the important role of the European Union in ensuring that designated providers of international financial payment messaging services provide financial payment messaging data stored in the territory of the European Union which are necessary for preventing and combating terrorism and its financing, subject to strict compliance with safeguards on privacy and the protection of personal data;

MINDFUL of Article 6(2) of the Treaty on European Union on respect for fundamental rights, the right to privacy with regard to the processing of personal data as stipulated in Article 16 of the Treaty on the Functioning of the European Union, the principles of proportionality and necessity concerning the right to private and family life, the respect for privacy, and the protection of personal data under Article 8(2) of the European Convention on the Protection of Human Rights and Fundamental Freedoms, Council of Europe Convention No. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union;

MINDFUL of the breadth of privacy protections in the United States of America ("United States"), as reflected in the United States Constitution, and in its criminal and civil legislation, regulations, and long-standing policies, which are enforced and maintained by checks and balances applied by the three branches of government;

STRESSING the common values governing privacy and the protection of personal data in the European Union and the United States, including the importance which both Parties assign to due process and the right to seek effective remedies for improper government action;

MINDFUL of the mutual interest in the expeditious conclusion of a binding agreement between the European Union and the United States based on common principles regarding the protection of personal data when transferred for the general purposes of law enforcement, bearing in mind the importance of carefully considering its effect on prior agreements and the principle of effective administrative and judicial redress on a non-discriminatory basis;