



# Procedure file

Basic information		
RSP - Resolutions on topical subjects	<a href="#">2006/2594(RSP)</a>	Procedure completed
Resolution on interception of bank transfer data from the SWIFT system by the US secret services		
Subject 2.50.04 Banks and credit		

Key players	
European Parliament	

Key events			
05/07/2006	Debate in Parliament		
06/07/2006	Results of vote in Parliament		
06/07/2006	Decision by Parliament	<a href="#">T6-0317/2006</a>	Summary
06/07/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2006/2594(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 132-p2
Stage reached in procedure	Procedure completed

Documentation gateway					
Motion for a resolution		<a href="#">B6-0386/2006</a>	05/07/2006	EP	
Motion for a resolution		<a href="#">B6-0391/2006</a>	05/07/2006	EP	
Motion for a resolution		<a href="#">B6-0393/2006</a>	05/07/2006	EP	
Motion for a resolution		<a href="#">B6-0395/2006</a>	05/07/2006	EP	
Joint motion for resolution		<a href="#">RC-B6-0386/2006</a>	05/07/2006		
Text adopted by Parliament, topical subjects		<a href="#">T6-0317/2006</a>	06/07/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)3801</a>	28/08/2006	EC	
Commission response to text adopted in plenary		<a href="#">SP(2006)3874</a>	29/09/2006	EC	

## Resolution on interception of bank transfer data from the SWIFT system by the US secret services

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The European Parliament adopted a joint resolution on the interception of bank transfer data from the SWIFT system by the US secret services. The background to this issue is as follows:

European and US media have recently revealed that US authorities are able access all the financial data stored by SWIFT (Society for Worldwide Interbank Financial Telecommunications), a Belgian-based industry-owned cooperative which consists of more than 8 000 commercial banks and institutions in 200 countries, including a number of central banks. The information stored by SWIFT to which the US authorities have had access concerns hundred of thousands of EU citizens, as European banks use the SWIFT messaging system for the worldwide transfer of funds between banks.

Parliament recalled its determination to fight terrorism but expressed its serious concern at the fact that a climate of deteriorating respect for privacy and data protection is being created. Access to data managed by SWIFT makes it possible to detect not only transfers linked to illegal activities, but also information on the economic activities of the individuals and countries concerned, and this could give rise to large-scale forms of economic and industrial espionage. The EU is based on the rule of law and all transfers of personal data to third countries are subject to data protection legislation at national and European level. Parliament stated that any transfer of data generated within EU territory that is to be used outside EU territory should as a minimum be subject to an adequacy assessment pursuant to Directive 95/46/EC.

It regretted the European has not been informed by the other institutions, in particular the European Central Bank, of the existence of the SWIFT transfers. Parliament demanded that the Commission, the Council and the European Central Bank (the ECB) explain fully the extent to which they were aware of the secret agreement between SWIFT and the US government. In this context, it also demanded that the role and functioning of the ECB be clarified, and asked the European Data Protection Supervisor to check whether, in accordance with Regulation 45/2001/EC, the ECB was obliged to react to the possible violation of data protection which had come to its knowledge. The ECB is supposed to guarantee that central banks access SWIFT only within a legal framework.

Parliament stated that it strongly disapproved of any secret operations on EU territory that affect the privacy of EU citizens. It was deeply concerned that such operations should be taking place without the citizens of Europe and their parliamentary representation having been informed. The USA and its intelligence and security services were urged to act in a spirit of good cooperation and notify their allies of any security operations they intend to carry out on EU territory.

Member States must check whether and ensure that there is no legal lacuna at national level and that the Community data protection legislation also covers central banks. The Council must adopt the proposal for a framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters in order to ensure that European citizens enjoy a uniform and high level of data protection throughout the Union's territory. Parliament voiced its great disappointment with the Council's unwillingness to overcome the current legislative situation, where, under either the first or the third pillar, two different procedural frameworks for the protection of fundamental rights apply. Parliament reiterated, therefore, its demand for this dual framework to be abolished by activating the bridging clause provided for in Article 42 TEU.

Finally, Parliament asked its Committee on Civil Liberties, Justice and Home Affairs, together with its Committee on Economic and Monetary Affairs, to hold a joint hearing of the ECB, the Commission, the Council, the European Data Protection Supervisor and other private and public parties that are involved in the affair in order to uncover what information they may have had.