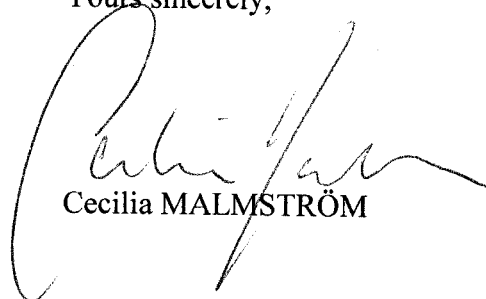


Dear Mr López Aguilar, *Estimado Juan Fernando,*

I would like to inform you about the letter I sent this evening to US Under Secretary Cohen, Department of the Treasury.

Yours sincerely,



Cecilia MALMSTRÖM

Mr Juan Fernando LÓPEZ AGUILAR
Member of the European Parliament
60, rue Wiertz
11G 306
1047 Brussels

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Ares save 3733023

Dear Mr. Cohen,

Thank you for your letter dated 8 November and for our meeting in Washington on 18 November.

We have had fruitful discussions and I appreciate your constructive engagement throughout the consultations pursuant to Article 19 of the TFTP Agreement.

The consultations, combined with information received from the Designated Provider and other sources, lead me to conclude that there are no elements showing that the US Government has acted in a manner contrary to the provisions of the Agreement. I welcome the reassurances the US Government has made, including at my meeting at the White House on 18 November, that it has not breached the Agreement and will continue to respect it fully.

In the context of our consultations, we also agreed on the importance of maintaining confidence in how the TFTP Agreement operates in practice. This will contribute to enhancing trust in EU-US data flows. In this respect, I welcome our shared understanding of the following points.

First, we have agreed to intensify our efforts to keep the implementation of the TFTP Agreement under close scrutiny over the coming months and in the longer term. I welcome your willingness to conduct the next joint EU-US review under Article 13 of the Agreement, earlier than planned, in Spring next year. This will give us an opportunity to reassure interested parties, including the European Parliament and the Council of Ministers of the EU, that the Agreement continues to be fully respected.

Second, we have agreed to continue to ensure that, using the system of safeguards and controls as provided by the Agreement, close attention is paid to making sure that data provided to the US Treasury are shared with other US authorities and other governments only as a result of specific TFTP searches based on a pre-existing counter terrorism nexus. To that end, the EU independent overseer, established under the Agreement, along with an EU deputy overseer, will be given the opportunity to meet more regularly with officials responsible for the data's security and integrity. They will continue to have the opportunity to seek clarifications regarding all searches to ensure they are being conducted pursuant to the requisite safeguards of the TFTP Agreement.

Mr David S. COHEN
Under Secretary
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington D.C. 20220

Third, we have identified several ways to increase transparency around the operation of the existing multi-layered system of controls on the implementation of the TFTP Agreement. US Treasury officials have agreed to meet regularly with the EU independent overseers and Commission staff, as appropriate, to update them on the programme and respond to inquiries about the programme or its controls and safeguards. The US Treasury has also agreed to update regularly an existing public document demonstrating the value and use of the TFTP and to post the updated document on the Treasury website, for public awareness.

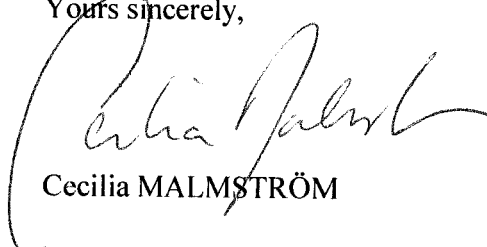
Fourth, more detailed information will also be made available during the joint reviews on the central role played by the EU independent overseers in ensuring respect for key provisions of the Agreement. This will include information about the number of searches blocked by the overseers, the type of reasons given and the outcomes of these cases. The EU independent overseers will also be more closely involved in threat assessment meetings.

Therefore, I consider that at this stage, there is no need for further consultations pursuant to Article 19 of the Agreement.

We have also discussed the ongoing wider reflection within the US Government and in Congress, on a number of measures which could strengthen confidence in the EU in how personal data is managed in the US. In this context I welcome the reassurance I have received from the White House that ongoing reviews of U.S. intelligence programmes will lead to the consideration of reforms which would enhance transparency around how US intelligence authorities collect and process data and incorporate concerns about protections of EU nationals' data privacy.

I look forward to coming back to these issues at the next EU-US Justice and Home Affairs Ministerial in Spring 2014.

Yours sincerely,



Cecilia MALMSTRÖM