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SUPERVISOR

Ms Cecilia MALMSTRÖM
Commissioner for Home Affairs
European Commission
B-1049 Brussels

Brussels, 25 October 2011
PH/VP/et/D(2011)1868 C **2011-0699**

Subject: Terrorist Finance Tracking System (TFTS) - European Commission Communication of 13 July 2011

Dear Ms. Malmström,

I send you the comments of the EDPS on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 July 2011 ('the Communication').

We support all the points made by the Article 29 Working Party in its letter of 29 September, based on its specific experience in analysing and monitoring the original agreement between the US and the EU regarding the Terrorist Finance Tracking Programme (the 'US TFTP agreement'), which is the source of the developments of the Terrorist Finance Tracking System ('TFTS') at EU level.

We would like to complement the observations of the WP29, especially in relation to the context in which the TFTS is envisaged, about its necessity and proportionality, the procedural guarantees that should be introduced and finally with regard to its consequences on the existing US TFTP agreement.

These comments, and the requirements developed therein, are preliminary and conditional to the development of any EU TFTS scheme along one of the three options mentioned in the Communication.

We are looking forward to an open and fruitful exchange of views with you and your services in relation to this Communication and to the further steps of the Commission on this subject.

These comments have been sent to the European Parliament and to the Council as well.

Yours sincerely,

(signed)

Peter HUSTINX

Annex: comments

CC:

Mr Stefano Manservigi, Director General, DG HOME

Mr Reinhard Priebe, Director Internal Security, DG HOME

Mr Joaquim Nunes de Almeida, Head of Unit Police cooperation and access to information, DG HOME

Ms Françoise Le Bail, Director General, DG JUST

Mr Paul Nemitz, Director Fundamental Rights and Citizenship, DG JUST

Ms Marie-Hélène Boulanger, Head of Unit Data Protection, DG JUST

Mr Philippe Renaudière