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*Committee on Civil Liberties, Justice and Home Affairs*

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# **LIBE Committee Inquiry on Electronic Mass Surveillance of EU Citizens**

## **Draft programme**

Tuesday, 24 September 2013, 9.00 – 11.30 and 15.00 – 18.30

Brussels

Meeting room: Paul-Henri Spaak PHS 3 C 50

## Background

1. The EU-US TFTP Agreement from 2010 contains detailed provisions that allow for transfer of SWIFT data to the US authorities (US Department of Treasury) for the fight against terrorism or terrorist financing. Allegations appeared in recent news reports (TV Globo, Der Spiegel) that the NSA has been tapping into personal financial data from the SWIFT database. Europol has been given the task to verify whether the requests of the US authorities comply with the terms of the Agreement. This condition was one of the reasons for the European Parliament to approve this Agreement after it rejected the previous one. Commissioner Malmström wrote on 12 September to US Under Secretary Cohen, urgently asking for clarifications. Session I will debate this issue.
2. Session II will discuss the outcome of the second meeting of EU-US Transatlantic group of experts on data protection of 19/20 September 2013.
3. The Inquiry will start receiving feedback from US Civil Society (Part I – Session III).
4. Session IV will concentrate on Effectiveness of surveillance in fighting crime and terrorism in Europe
5. A study commissioned by the LIBE Committee to the Policy Department on “The US National Security Agency (NSA) surveillance programmes (PRISM) and Foreign Intelligence Surveillance Act (FISA) activities and their impact on EU citizens' fundamental rights ” will be presented in Session V.

In light of the recent PRISM-related revelations, this briefing note analyses the impact of US surveillance programmes on European citizens' rights. The note explores the scope of surveillance that can be carried out under the US FISA Amendment Act 2008, and related practices of the US authorities which have very strong implications for EU data sovereignty and the protection of European citizens' rights.

**SESSION I**  
**Allegations of NSA tapping into the SWIFT data and possible repercussions in the TFTP programme**

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| 9.00 - 9.05   | Introductory remarks by Juan Fernando LÓPEZ AGUILAR, Chair of the LIBE Committee  |
| 9.05 - 9.20   | Statement by Cecilia MALMSTRÖM, Member of the European Commission   |
| 9.20 - 10.00  | Questions and Answers   |
| 10.00 - 10.20 | Statements by <ul style="list-style-type: none"><li>• Rob WAINWRIGHT, Director of Europol</li><li>• Blanche PETRE, General Counsel of SWIFT</li></ul> |
| 10.20 - 11.30 | Questions and Answers   |

**SESSION II**  
**Feedback of the meeting of the EU-US Transatlantic group of experts on data protection of 19/20 September 2013**

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| 15.00 - 15.45 | Questions and Answers to: <ul style="list-style-type: none"><li>• Darius ŽILYS, Council Presidency, Director International Law Department, Lithuanian Ministry of Justice (co-chair of the EU-US ad hoc working group on data protection)</li><li>• Paul NEMITZ, Director DG JUST, European Commission (co-chair of the EU-US ad hoc working group on data protection)</li><li>• Reinhard PRIEBE, Director DG HOME, European Commission (co-chair of the EU-US ad hoc working group on data protection)</li></ul> |
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**SESSION III**  
**Exchange of views with US Civil Society (part I)**

- 15.45 – 16.00      Presentation by
- Jens-Henrik JEPPESEN, Director, European Affairs, Center for Democracy & Technology (CDT)
- 16.00 – 16.30      Questions & Answers to Mr. Jeppesen and:
- Greg NOJEIM, Senior Counsel and Director of Project on Freedom, Security & Technology, Center for Democracy & Technology (CDT) (via videoconference)

**SESSION IV**  
**Effectiveness of surveillance in fighting crime and terrorism in Europe**

- 16.30 – 16.45      Presentation by
- Dr. Reinhard KREISSL, Coordinator, Increasing Resilience in Surveillance Societies (IRISS) (via videoconference)
- 16.45 – 17.00      Questions & answers

**SESSION V**  
**Presentation of the study on the US surveillance programmes and their impact on EU citizens' privacy**

- 17.00– 17.15      Presentation by Caspar BOWDEN, Independent researcher, ex-Chief Privacy Adviser of Microsoft, author of the Policy Department note commissioned by the LIBE Committee on the US surveillance programmes and their impact on EU citizens' privacy
- 17.15 – 18.15      Questions & Answers
- 18.15 – 18.30      Concluding remarks and follow-up