



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 December 2010**

**17421/10**

**JAI 1042  
USA 126  
RELEX 1065  
DATAPROTECT 97**

**COVER NOTE**

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from: General Secretariat of the Council  
to: Delegations

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prev.doc.: 15840/3/10 REV 3 JAI 914 USA 115 DATAPROTECT 79 RELEX 921  
RESTREINT UE

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Subject: Draft Council decision authorising the opening of the negotiations for an EU-US agreement on the protection of personal data when transferred and processed for the purpose of preventing, investigating, detecting or prosecuting criminal offences, including terrorism, in the framework of police and judicial cooperation in criminal matters  
-Letter from the EP

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Annex I sets out a letter of 2 December 2010 from the President of the European Parliament to Minister De Clerck, regarding the above Agreement.

Mr Stefaan DE CLERCK  
Minister of Justice  
Waterloolaan 115  
BE-1000 Brussels  
BELGIUM

Dear Minister,

With regard to the upcoming decision of the Council on the mandate for a future EU-US international agreement on the protection of personal data when transferred and processed for the purpose of preventing, investigating, detecting or prosecuting criminal offences, including terrorism, in the framework of police and judicial cooperation in criminal matters, I would like to convey my full support to the Commission draft mandate, as it was already expressed by the Chairman of the LIBE Committee, Mr Lopez Aguilar, who wrote to you on the same subject.

As you are well aware, such support has been clearly stated by the European Parliament in its resolutions of 11 November 2010 on the forthcoming EU-US Summit and the Transatlantic Economic Council<sup>1</sup> and on the global approach to transfer of passenger name record (PNR) data to third countries and, on the recommendations from the Commission to the Council to authorise the opening of negotiations between the European Union and Australia, Canada and the United States<sup>2</sup>.

The European Parliament attaches great importance and supports the negotiations on these future Agreements with third countries on protection of personal data when transferred and processed in the framework of police cooperation and judicial cooperation in criminal matters, as far as data protection rights and principles are enforced, in line with the Treaties and the Charter of Fundamental Rights of the EU.

The European Parliament considers it as highly important that both negotiating mandates, the one on Passenger Name Record and the other on the general framework agreement on data protection, are adopted at the same time.

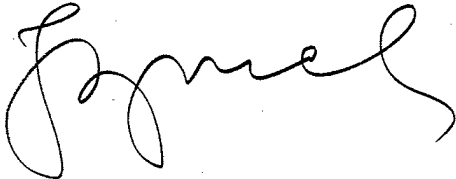
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<sup>1</sup> P7\_TA (2010)0396

<sup>2</sup> P7\_TA (2010)0397

Finally, I trust that, in the name of the principle of loyal cooperation, the Council Presidency and the Commission will keep the European Parliament duly informed on the progress of the upcoming negotiations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Buzek', written in a cursive style.

**Jerzy Buzek**

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