

Evaluation of the EU-US Agreement on Tracing Terrorist Financing

Thomas Wahl



News

On 22 July 2019, the Commission presented the “joint review of the implementation of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program.” It is the [fifth evaluation report](#) on the agreement which entered into force on 1 August 2010.

The agreement enables law enforcement authorities to get timely, accurate, and reliable information about activities associated with suspected acts of terrorist planning and financing. It helps identify and track terrorists and their support networks worldwide.

The EU and USA agreed on regular joint reviews of the safeguards, controls, and reciprocity provisions to be conducted by review teams from the European Union and the USA (Art. 13 of the Agreement). The fifth evaluation report covers the period from 1 January 2016 to 30 November 2018. It is limited to the description of procedural aspects and a summary of the recommendations and conclusions. A more detailed [Commission staff working document](#) accompanies the report.

In general, the Commission is satisfied that the Agreement and its safeguards and controls (e.g., data protection) are being properly implemented. During the evaluated period, over 70,000 leads were generated, some of which brought forward investigations into terrorist attacks on EU territory, such as those in Stockholm, Barcelona, and Turku. The number of leads increased considerably compared to almost 9000 in the previous reporting period (1 March 2014 to 31 December 2015). EU Member States and Europol are increasingly using the mechanism.

The report also includes a number of recommendations for further improvement, *inter alia*:

- Better cooperation between EU Member States’ authorities and U.S. counterparts with regard to the necessity of retaining so-called “extracted data”;
- Regular feedback from Member States to Europol on the added value of leads received from the U.S. authorities;
- Continuation of Europol’s efforts to raise awareness of the TFTP and to support Member States seeking advice and experience when making requests;
- Improved verification by the U.S. Treasury with respect to data protection rights.

The next joint review will be carried out at the beginning of 2021.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

ISSN: 1862-6947

<https://eucriim.eu>



About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
the European Union**