

The President

José Luis Rodríguez Zapatero  
President-in-Office  
Council of the European Union  
175, rue de la Loi  
B-1048 Brussels

21.JAN2010 200351

Dear President-in-Office,

I am writing to you once again concerning the interim SWIFT Agreement 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. As you may know, I wrote to you on 15 January, as well as to your predecessor on 21 December 2009, concerning this matter, but I have yet to receive any reply to either letter.

On 20 January, your Secretary of State for European Affairs, Diego López Garrido, speaking on behalf of the Council Presidency, made a statement on the SWIFT situation in the plenary of the European Parliament, at our request. In his intervention - which was followed by a letter of clarification of the same date, to which this letter is also meant as a reply - Mr López Garrido made it clear that the Parliament will receive the definitive text (of the draft Council decision to conclude the agreement) at the beginning of next week.

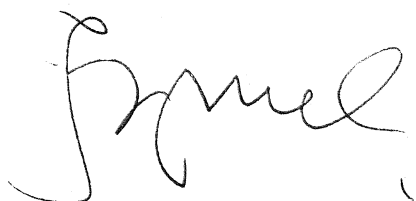
The Conference of Presidents of the European Parliament considered this issue once again at its meeting on 21 January. I and my colleagues expressed their deep disappointment at the delay which has occurred in the submission of the final text, with the effect that the Parliament now has at best five working days in which to consider whether or not to grant its consent to the interim SWIFT Agreement, in accordance with Article 218(6) TFEU, before its scheduled entry into force on 1 February. This is clearly a most unsatisfactory situation.

As you may recall, starting with my letter to Fredrik Reinfeldt of 26 November, I have repeatedly stressed that we attach the highest importance to ensuring that this international agreement - and indeed all others which now require the European Parliament's consent under the Lisbon Treaty - should be referred to the Parliament, in good time, so that it can be considered properly, before the date of its envisaged entry into force. Unfortunately, this is obviously no longer possible.

In these circumstances, the Conference of Presidents has decided that the responsible committee of the Parliament - the Committee on Civil Liberties, Justice and Home Affairs - will be asked to draft its opinion on the interim agreement as soon as the latter is received by the Parliament, with a view to the Parliament deciding whether or not to grant its consent on Tuesday 9 or Wednesday 10 February, during its next plenary session. In return, on behalf of the Parliament, the Conference of Presidents formally requests that the Council suspend the provisional application of the agreement - which would otherwise occur automatically on 1 February - for a period of two weeks, so that the Parliament can vote on this important matter.

I am copying this letter to the President of the European Council, Herman Van Rompuy, for his information.

Yours sincerely,

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

**Jerzy Buzek**