Question 4:
What is the EU Terrorist Finance Tracking System (TFTS)?

Answer 4:
The EU TFTS does not exist yet. However, article 11 of the EU-US TFTP Agreement stipulates that the European Commission has to carry out a study into the possible introduction of an equivalent EU system allowing for a more targeted transfer of data. The Commission presented a Communication in July 2011, setting out three different options, which were sent to the Council and the European Parliament. Subsequently, the Commission awaits Council conclusions and possibly a resolution by the Parliament who could express their preferences and concerns, after which a legislative proposal will be prepared for an EU TFTS to be put forward in the second quarter of 2012.
Questions and Answers

Following the devastating attacks of 9/11 which targeted citizens from across the globe, the US Department of the Treasury initiated the TFTP to identify, track, and pursue terrorists and their networks. Since that time, the TFTP has provided approximately 2,000 valuable leads to EU Member States, that have aided in the prevention and investigation of many of the most visible and violent terrorist attacks and attempted attacks of the past decade.

On 1 August 2010, The European Commission and the United States concluded negotiations establishing a new agreement between the EU and the US on the transfer and processing of data for purposes of the TFTP.

This leaflet will
- explain Europol’s role in the EU-US TFTP Agreement and the way the European Law Enforcement Agency has dealt with these new responsibilities.
- encourage Counter Terrorism (CT) experts in Member States to request TFTP Searches, when appropriate.
- inform CT practitioners on a study by the European Commission into the introduction of an equivalent EU system allowing for a more targeted transfer of data.

Question 1:
When did the EU-US TFTP Agreement come into force and what is Europol’s role in this?

Answer 1:
On 8 July 2010, the European Parliament voted to give its consent to the conclusion of the EU-US TFTP Agreement, which the Council formally adopted on 13 July 2010. The Agreement came into force on 1 August 2010.

Pursuant to Articles 4, 9 and 10 of the EU-US TFTP Agreement, Europol plays three different roles, namely:

1. The function to verify, pursuant to article 4 of the TFTP Agreement, the vetting role for Europol, to which Member States do not play any role.

2. As recipient of information spontaneously provided by the US Treasury, (Article 9), Europol will inform Member States on intelligence leads, when appropriate. However, the US Treasury, as the original owner of the intelligence data, will be contacted to agree on the dissemination of this data to the Member States concerned. Europol will also cross-check the information against all available databases.

3. As requester of information (Article 10), Europol requests close cooperation with Member States and an integrated response between Europol and the Member States or Eurojust, when appropriate.

Question 2:
How did Europol discharge these new responsibilities?

Answer 2:
The Analysis Work File (AWF) environment was considered the best tool to securely process and store data based on the EU-US TFTP Agreement to fulfil the tasks placed upon it by the legislator within the demanding timeframe for Europol.

The new O9 (TFTP) unit has been established within Europol’s Operations Department to discharge these new responsibilities. Additional physical and other protective security arrangements have been made for the programme to meet increased confidentiality and security requirements.

Question 3:
What has Europol done for the Member States regarding the TFTP?

Answer 3:
Europol has created a Single Point of Contact (SPOC) for the Member States and Eurojust, when appropriate, to channel requests for US TFTP Searches through O9, in order to make use of the cooperation between Europol and the US Treasury. The intelligence leads received by O9 will, in strict observance of dissemination requirements, be cross-matched against existing databases and then, with the agreement of the owner of the data, forwarded to the US Treasury, where they will be checked against the US TFTP.