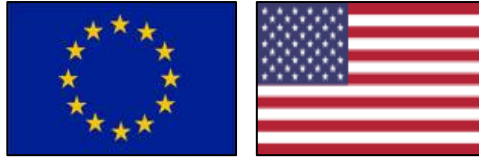


Information Guide



EU-US Relations

A guide to the European Union's relations with the United States of America, with hyperlinks to sources of information within European Sources Online and on external web sites

Contents

Introduction.....	2
Background	2
Institutional relations	3
Trade relations	6
Transatlantic Trade and Investment Partnership (TTIP)	10
Freedom, security and justice	11
Passenger Name Record	11
Air Cargo Security	13
Terrorist Finance Tracking Programme / SWIFT	13
Visa Waiver Program	15
Death penalty.....	17
International Criminal Court	18
National Security Agency Spying Allegations.....	20
Climate change	22
Education	25
Energy	26
Information sources in the ESO database	28
Further information sources on the internet	28

Introduction

"[...] this is a great partnership and the work that we do between the European Union and the US on so many issues [...] is crucial.

We share the same values. We work together to try and deliver for people across the world and I know that, as we think about some of the issues and challenges we're facing right now, this partnership is going to be even more important in the future.

From: [Remarks by EU High Representative Catherine Ashton after her meeting with SoS John Kerry in Brussels](#), European Union External Action, 04 December 2013.

Background

Relations between the European Union (EU) and the United States of America (US) are based very much on historic ties, notably emigration from Europe to America and – following the Second World War – US support for reconstruction and security in Europe under the Marshall Plan. In addition, each region is the other's main trading and investment partner, and in 2006 together accounted for approximately 33% of world trade in goods and 42% of world trade in services (see [US Barriers to Trade and Investment Annual Report 2007](#)). According to the European Commission's DG Trade [Bilateral Trade Relations - USA page](#), 'The two economies are interdependent to a high degree.' In 2006, their combined economies accounted for nearly 60% of global GDP and the total flow of Foreign Direct Investment (FDI) between the two was some \$147 billion.

The size and importance of the bilateral trade relationship makes the EU and the US the key trade players on the global scene. EU-US economic cooperation defines standards around the world and sets the pace in the WTO. Europe and America support a 'rules-based' trading system and are working towards a successful conclusion of the Doha Development Agenda (DDA) round of trade talks.

The European Union's desire to play a greater role in international relations is also impacting on the transatlantic partnership. Speaking in Washington on 18 October 2005, on 'the EU and the US: a declaration of interdependence' (see [SPEECH/05/622](#)), European Commission President José Manuel Barroso said:

So if America is now listening to Europe more, I think it is because we have worked hard to be worth listening to. If America is increasingly defining EU-US relations by what we can do together to promote democracy and freedom, it is because we have shown we can deliver results on the world stage.

The Union's efforts to achieve those results have not always been well received by the United States. Following the visit of President Bush to Europe in February 2005, a Financial Times editorial stated:

Mr Bush should acknowledge that the EU's soft power has much broader application, and recognise the benefits of co-operating within a multilateral framework. He should also take into account that the EU – not only Nato – is playing an increasing role spreading stability beyond its borders. These would be the first steps toward a restoration of the transatlantic alliance and a genuine adult partnership.

In September 2007, 12 months before the August 2008 Georgia-Russia conflict, European Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, spoke on the theme 'Opportunities and Challenges in the EU-US Relationship' (see [SPEECH/07/577](#)), saying:

The international order we have grown comfortable with is likely to change radically. But one thing is clear: the most effective response to the global challenges defining these early years of the twenty-first century is to draw on the solidarity which has defined the last sixty years of our relations and to channel it into even more intense and more effective cooperation.

In the same speech, Commissioner Ferrero-Waldner identified three areas where, she argued, transatlantic cooperation can have the biggest impact: global security, transatlantic economic integration, and climate change and energy security.

Published by the European Union Institute for Security Studies (EUISS) ahead of the 2012 US Presidential election, [Time for an honest audit of EU-US relations](#), identifies three issues for the transatlantic agenda in the coming four years, 'regardless of who will sit in the Oval Office': future US military operations in a time of budget cuts; the growing importance of China; and relations with Arab countries and with Muslims.

How Washington responds to these challenges will no doubt have serious implications for Europe. But instead of hoping for the best, Europeans should finally get their act together and focus on three major objectives: launching a comprehensive review of the European Security Strategy; adopting a credible and enforceable strategy for Asia; and consolidating policies towards the southern neighbourhood and Palestinian statehood.

Institutional relations

There have been diplomatic relations between the EU's predecessors and the US since 1953, when US Observers to the European Defence Community and the European Coal and Steel Community were nominated. In 1954 the European Commission established an office in Washington (which in 1971 was given Delegation status - see [Delegation website](#)) to represent the Commission in its dealings with the US government, report back to Brussels on developments in the US, and liaise with international organisations based in Washington. In 1964 the Commission opened an office in [New York](#) to liaise with the United Nations. In 1961 the United States set up a Mission to the European Communities in Brussels (since renamed [Mission to the European Union](#)).

United States co-operation with the European Union is based on two important agreements:

- In 1990 the EU and US adopted a [Transatlantic Declaration](#) which laid down the principles for greater co-operation and consultation in areas such as the economy, education, science and culture.
- In 1995 the [New Transatlantic Agenda](#) (NTA) provided a new framework for a partnership of global significance with 'a comprehensive statement of the many areas for our common action and co-operation' supported by a 150-point Joint Action Plan. The NTA has four main goals:
 - Promoting peace and stability, democracy and development around the world. Together, we will work for an increasingly stable and prosperous Europe; foster democracy and economic reform in Central and Eastern Europe as well as in Russia, Ukraine and other new independent states; secure peace in the Middle East; advance human rights; promote non-proliferation and cooperate on development and humanitarian assistance.

- Responding to global challenges. Together, we will fight international crime, drug-trafficking and terrorism; address the needs of refugees and displaced persons; protect the environment and combat disease.
- Contributing to the expansion of world trade and closer economic relations. Together, we will strengthen the multilateral trading system and take concrete, practical steps to promote closer economic relations between us.
- Building bridges across the Atlantic. Together, we will work with our business people, scientists, educators and others to improve communication and to ensure that future generations remain as committed as we are to developing a full and equal partnership.

(On 26 March 2009, MEPs called for the New Transatlantic Agenda (NTA) to be replaced by a Transatlantic Political Council – ‘a body for systematic high-level consultation and coordination in respect of foreign and security policy’, which would meet at least four times a year; see Press Release [20090325IPR52608](#)).

You can find more information in ESO on the NTA by clicking [here](#).

The main figures involved in EU-US Summit meetings are the President of the European Council, the President of the European Commission, the High Representative for Foreign Affairs and Security Policy, the President of the United States and the US Secretary of State. Meetings are held once a year, with venues alternating between the EU and US.

The [Declaration](#) issued after the June 2008 Summit in Brdo, Slovenia, contained statements on a wide range of issues, including the Middle East peace process, Russia, Georgia, climate change and the transatlantic economy. Leaders endorsed a [Joint Statement](#) issued following the Second Meeting of the Transatlantic Economic Council (TEC) on 13 May 2008, and stated in the Summit Declaration that:

The Framework for Advancing Transatlantic Economic Integration which we signed at the April 2007 Summit has succeeded in achieving closer transatlantic economic integration and growth by promoting regulatory cooperation, capital markets integration, investment, and innovation, and by promoting the protection of intellectual property rights and facilitating secure trade. We welcome the work of the Transatlantic Economic Council (TEC) which we are determined to make an effective forum for advancing concrete solutions to obstacles in EU-US trade and investment relations.

The November 2009 Summit in Washington adopted a [Declaration on Non-Proliferation and Disarmament](#) and a [Statement on Development Dialogue and Cooperation](#), and agreed to establish an [EU-US Energy Council](#) (see Summit general [Declaration](#) and [2009 Summit pages](#)).

A [Joint statement](#) issued following the 20 November 2010 EU-US Summit, held in Lisbon, read:

We, the leaders of the European Union and the United States, met today in Lisbon to reaffirm our close partnership. Our shared values and political experience and our deep economic interdependence constitute an extraordinary resource. As we both face new challenges, we want our partnership to bring greater prosperity and security to our 800 million citizens on the two sides of the Atlantic.

That meeting focused on three key areas of cooperation: economic growth and job creation, global challenges (e.g. climate change, international development), and security (see also [2010 Summit pages](#) and [Fact Sheet](#)).

In their [Joint statement](#) after the 28 November 2011 EU-US Summit, held in Washington, leaders acknowledged that the global economy had entered 'a new and difficult phase', and re-iterated their commitment to working together 'to reinvigorate economic growth, create jobs, and ensure financial stability'. In addition to the global economy, they discussed the Arab Spring, regional issues (Syria, the Middle East Peace Process, Iran and Afghanistan) and the EU's Eastern neighbourhood. They also agreed to give new impetus to the work of the Transatlantic Economic Council, and the EU-US Energy Council (see also EEAS [2011 Summit](#) page).

More information and documentation about the Summits can be found via the websites of the [EU Delegation in Washington](#) and the European External Action Service (EEAS) [United States pages](#).

Business and consumer interests are also discussed in two dedicated official fora:

- the [Transatlantic Business Dialogue](#) (TABD) is a group of senior European and American businessmen drawn from more than 30 companies. Set up in 1995 and re-launched in 2003, its primary goal is to establish a barrier-free transatlantic market with the freest possible exchange of goods, services and capital. The TABD meets twice a year, during the annual EU-US Summit, and at the World Economic Forum's annual meeting in Davos, Switzerland. The TABD was instrumental in the adoption of the 2007 [Framework for Advancing Transatlantic Economic Integration](#), which established the [Transatlantic Economic Council](#).
- the [Trans Atlantic Consumer Dialogue](#) (TACD), launched in 1998, brings together EU and US consumer organisations to develop and agree joint consumer policy recommendations to the US government and to the EU. In a [Statement](#) presented before the June 2008 EU-US Summit, the TACD called for action on four key issues of concern to consumers:
 - reducing levels of dangerous pathogens in poultry
 - managing risks posed by products containing manufactured nanoparticles
 - supporting work at the World Intellectual Property Organization (WIPO) for improved access to copyrighted material for blind people
 - rejecting trade impact statements and other unnecessary burdens on the regulatory process.

In addition, a High-level Regulatory Cooperation Forum, set up by the 2005 EU-US Summit, brings together senior US government and European Commission officials to exchange views on how to regulate and how to cooperate on regulatory issues, with the aim of avoiding 'unnecessary divergences in the way the EU and US regulate' (see Press Release [IP/08/642](#)).

(For further information see European Commission, DG External Relations [EU-US relations - overview](#), and [Summaries of EU legislation](#).)

In September 2008, prior to the US elections, European Commission President José Manuel Barroso said in 'A Letter from Brussels to the Next President of the United States of America' ([SPEECH/08/455](#)) that, whether he would in future be dealing with President McCain or President Obama, 'in these times of uncertainty, the EU needs the US and – yes – the US needs the EU more than ever.' That view was, he said, 'shaped by two inescapable trends that have emerged into the international spotlight in recent years' – globalisation and the emergence of new powers.

The EU Institute for Security Studies subsequently published [The Obama Moment](#), a 260-page analysis of the most significant issues facing the EU and US.

Under the Treaty of Lisbon, which entered into force on 1 December 2009, the European Parliament gained more power in areas previously restricted to intergovernmental co-operation. In November 2009, MEPs discussed EU-US relations with US Secretary of Homeland Security, Janet Napolitano (Press Release [20091103IPR63584](#)).

In March 2010, the United States Mission to the European Union launched [Article Alert](#), a monthly journal that reflects on issues concerning the U.S. and Europe and their relationship.

On 29 April 2010, the [EP Liaison Office with US Congress](#) (EPLO) was officially opened in Washington DC:

As the first European Parliament Liaison Office outside the EU, the office maintains regular contact with US lawmakers and has begun to build a transatlantic network of legislators and legislative staffers who work together on issues requiring legislative and political cooperation.

The European Space Agency (ESA) and the United States maintain a comprehensive dialogue since the EU-US summit of 20 June 2005, when "both sides agreed to initiate a dialogue on civil space cooperation as part of the '[European Union and the United States initiative to enhance transatlantic economic integration and growth](#)'". This agreement addresses all issues related to space – including those related to "security and defence in a specific configuration" – and is built today around six pillars:

- Space science
- Human spaceflight
- Satellite navigation
- Meteorology
- Earth science/ Earth observation
- Space exploration

The content of the transatlantic space cooperation has expanded over the years and has achieved notable success in different areas such as:

- satellite-based navigation
- interoperability between GPS and Galileo
- Earth observation via EUMETSAT's partnership and the U.S. National Oceanic and Atmospheric Administration (NOAA)

Furthermore, an agreement was met to allow "U.S. public bodies to participate in EU space research projects". In December 2009, examples of these projects were published on the report '[Transatlantic Cooperation in the European Seventh Framework Programme for Research and Development](#)'.

Trade relations

A number of initiatives have sought to encourage transatlantic trade. In 1998 the Transatlantic Economic Partnership was launched as part of an effort to extend multilateral and bilateral co-operation and common action in the field of trade and investment, setting out a Plan identifying areas for common actions both bilaterally and multilaterally, with a timetable for achieving specific results.

This was followed in 2002 by the [Positive Economic Agenda](#) (PEA), which focused on bilateral economic co-operation in a number of areas, including exports of clementines and poultry, electronic customs, and regulatory co-operation in the insurance sector. After initial successes, nothing more was heard of the PEA, with the 2007 Framework for

Advancing Transatlantic Economic Integration becoming the focus of efforts to promote EU-US trade cooperation.

The [EU-US Declaration on Strengthening our Economic Partnership](#) (the Dromoland Declaration) was agreed at the June 2004 EU-US Summit. The Declaration invited stakeholders to assess the bilateral economic relationship and to explore means to eliminate trade, regulatory and investment obstacles.

Following a public consultation launched on 30 September 2004, the European Commission identified three areas that it proposed should form the basis of a package designed to boost EU-US trade and investment: regulating for a transatlantic market; the knowledge and innovation dynamic; and smarter, safer borders for swifter trade and investment.

Subsequently, on 18 May 2005, the Commission adopted the Communication 'A stronger EU-US Partnership and a more open market for the 21st century' ([COM\(2005\)196](#); see also [Summaries of EU legislation](#)). In it, the Commission recommended that it should draw up a joint strategy for enhancing the EU-US economic partnership in the form of a Declaration at the June [2005 EU-US Summit](#).

At that Summit, an [EU-US Declaration: Initiative to Enhance Transatlantic Economic Integration and Growth](#) was adopted. To implement the Declaration, the two sides committed themselves to undertake action in the following areas:

- Promoting Regulatory and Standards Cooperation
- Stimulating Open and Competitive Capital Markets
- Spurring Innovation and the Development of Technology
- Enhancing Trade, Travel and Security
- Promoting Energy Efficiency
- Protection of Intellectual Property Rights
- Investment
- Competition Policy and Enforcement
- Procurement
- Services

Progress was to be reported at each subsequent Summit.

The April 2007 EU-US Summit agreed a Framework for Advancing Transatlantic Economic Integration between the US and EU, which included the creation of the Transatlantic Economic Council (TEC; see DG Enterprise and Industry [TEC](#) page and DG Trade [United States](#) pages). Bringing together representatives of government, industry, labour and consumers, the TEC aims to promote the greater integration of the EU and US economies, by identifying key areas where greater convergence between economies and systems could reap rewards on both sides of the Atlantic.

The first meeting of the TEC took place in Washington on 9 November 2007 (see Press Release [MEMO/07/455](#)) and made progress in areas such as the launching of the investment dialogue, the negotiations on mutual recognition of accounting standards, and of US and EU trade partnership programmes, secure cargo, and a number of more technical regulatory issues.

The [Joint statement](#) issued after the November 2010 EU-US Summit confirmed that the TEC had been asked to:

- develop a transatlantic agenda to stimulate growth and create jobs in key emerging sectors and technologies

- identify ways to improve transatlantic consultation before regulators and agencies develop regulation in economically promising new technologies and sectors, to share best practices, and to develop joint principles with the aim of promoting maximum compatibility of regulations and the freest possible transatlantic flow of ideas, products, and services.

The TEC [Joint statement](#) issued after the November 2011 EU-US Summit showed that the TEC had

reviewed progress in generating new opportunities for job creation and growth through cooperation on regulation and innovation in key sectors [and] established new goals for cooperative efforts in emerging sectors and technologies and committed to identifying new ways of strengthening our economic relationship and realising its full potential.

You can find more information in ESO on the TEC by clicking [here](#).

According to the European Commission's [US Barriers to Trade and Investment: Annual Report 2007](#):

In even this closest of partnerships, however, there still exist trade barriers and differences that hinder trade and investment.

Issued in April 2008, the report highlighted some of the impediments encountered by EU companies when doing business with the US.

Published in July 2009, the [US Barriers to Trade and Investment Report for 2008](#) emphasised the significance of EU-US trade:

The European Union and the United States are each other's main trading partners and enjoy the largest bilateral trade relationship in the world. In 2007 their combined economies accounted for nearly 60% of global GDP, approximately 33% of world trade in goods and 44% of world trade in services. The total flow of Foreign Direct Investment (FDI) between the EU and the US was approximately €147 billion. The EU FDI stock held in the US amounts to roughly €926 billion. Total FDI stocks held in each others countries reach approximately €1.89 trillion.

As with previous reports, it focused on key trade barriers to EU exporters, and also noted a number of new barriers introduced in 2008 (see Press Release [IP/09/1193](#)).

(Reports for 2005-2007 are on the DG Trade [United States](#) pages; for earlier reports see: [2004](#), [2003](#), [2002](#), [2001](#), [2000](#); reports for 1999 and 1998 do not appear to be available, but those for 1990-1997 can be found on the Archive of European Integration at [EU Annual Reports: US Barriers to Trade and Investment](#)).

In May 2008, the Transatlantic Economic Council issued the first joint statement on EU-US open investment, setting out the fundamental place of open investment policies to the economic prosperity of both parties. The EU-US Open Investment Statement (see Press Releases [IP/08/735](#) and [MEMO/08/301](#)):

- Underlines the benefits of international investment in terms of job creation, competitiveness and sustainable economic growth, and stresses the importance of non-discriminatory and clear policies on investment
- Recognises the legitimacy of addressing national security concerns, but these should only ever constitute narrowly defined exceptions to the general rule of openness

- Insists on the important of appropriate transparency and commercial considerations in state-backed sovereign wealth investment.

In March 2006, the EU lifted longstanding public procurement sanctions against the US, which had been introduced in retaliation for the introduction in 1993 of US measures against 11 EU Member States over concerns that EU legislation discriminated against US operators, especially in the telecoms sector. With the EU telecoms market now fully liberalised, the two sides agreed to lift sanctions from 1 March 2006 (see Press Release [IP/06/251](#)).

Also in March 2006, and after 20 years of negotiation, the EU and US signed a bilateral wine accord. Approved by EU Agriculture Ministers in December 2005, the agreement should help EU wine producers benefit even more from the US market, which already accounts for some 40% of EU wine exports (see Press Release [IP/06/294](#)).

In November 2007, the European Parliament approved a Commission proposal to allow the UK and Ireland to continue using imperial measurements. Commissioner for Enterprise and Industry, Günter Verheugen, said that keeping the traditional miles and pints was good for exporters, who can continue to have one single label for sales throughout the whole European Union and exports to the United States (see Press Release [IP/07/1812](#)).

Sunday 30 March 2008 heralded the advent of a new EU-US Air Transport Agreement. Described as the most ambitious air services deal ever negotiated, it was said by Jacques Barrot – then the European Commissioner responsible for the transport portfolio – to herald a new era in transatlantic aviation. Signed in April 2007 at the EU-US Transatlantic Summit in Washington, and replacing 21 bilateral agreements, the deal allows European airlines to fly without restrictions from any point in the EU to any point in the US (see Press Releases [IP/08/474](#) and [MEMO/08/185](#)).

Negotiations on a second stage agreement started in May 2008, with the aim of removing limits on services operated by carriers or investors within the other's market, allowing carriers to operate internal routes outside their own territory.

A Protocol amending the Agreement was initialled on 25 March 2010, and on 24 June 2010 the Council adopted [Decision 2010/465/EU](#) approving the signing and provisional application of the Protocol.

The end of June 2008 saw the EU and US sign an agreement to improve air safety. Described as an historic milestone, the agreement – based on mutual recognition of aviation safety certificates – was the first on aviation safety to be signed by the EU and a third country (see Press Release [IP/08/1059](#)).

On 15 March 2011, the EU and US concluded an Agreement on Cooperation in the Regulation of Civil Aviation Safety (see Press Release [7743/11](#)). The 'ground breaking' entered into force on 1 May 2011 and was heralded by Transport Commissioner Siim Kallas as giving a boost to the aviation sector in both the EU and US (see press Release [IP/11/516](#)).

On 15 February 2012, the EU and US announced that, from 1 June 2012, organic products certified in Europe or in the United States may be sold as organic in either region. The initiative – which is expected to boost agriculture trade between the two – was described as a significant step in strengthening bilateral trade relations (see Press Release [IP/12/138](#)).

From June 2012, no EU company exporting to the US should be subject to anti-dumping duty affected by 'zeroing' – a method used by US authorities to calculate rates of anti-

dumping duties for products entering the US market at dumped prices. The change follows a US decision to comply with WTO rulings against zeroing (see Press Releases [IP/12/101](#) and [MEMO/12/73](#)).

Transatlantic Trade and Investment Partnership (TTIP)

After many years of talks about a possible free-trade pact between the EU and the US, negotiations were finally launched on 13 February 2013 to create a [Transatlantic Trade and Investment Partnership](#) (TTIP). This trade agreement aims to:

- remove trade barriers in a wide range of economic sectors
- reduce barriers behind customs border such as differences in technical regulations, standards and approval procedures
- open up trade and investment between the EU and the US
- result in more jobs and more growth

An independent study published in March 2013 and elaborated by the think tank Centre for Economic Policy Research (CEPR), revealed that a comprehensive TTIP could bring the EU and European consumers several economic benefits once fully implemented (see [MEMO/13/211](#)):

- Economic gains as a whole for the EU of €119 billion per year and for the US of €95 billion per year; this translates into an extra €545 in disposable income each year for a European family of four.
- Raise in the EU exports to the US will go up by 28% and in almost all areas; especially the motor vehicles sector.
- Increase in economic activity and productivity gains will benefit the labour market in terms of wages and new jobs

Furthermore, the global economy and partner countries of the EU and the US will also benefit from the agreement as they will 'have an incentive to move towards the new transatlantic standards' and will also benefit from 'some of the reductions achieved in the cost of doing trade.' It is estimated that the GDP in the rest of the world would be increased by almost €100 billion.

With these in mind, a series of negotiations were organised to approach positions. From 8 to 12 July 2013, the [first round of the trade and investment talks](#) took place in Washington DC. Some of the topics covered were:

- Market access for agricultural and industrial goods
- Government procurement investment
- Energy and raw materials
- Regulatory issues
- Sustainable development
- Dispute settlement
- Customs/trade facilitation

Two months afterward, in September 2013, the European Commission published [Transatlantic Trade and Investment Partnership: The Regulatory Part](#), a comprehensive booklet that helps to explain what does actually mean to reduce regulatory barriers to trade and how it will help the European and the American economies.

Between 11-15 November 2013, [the second TTIP negotiation](#) round took place in Brussels. The week-long negotiations served to make progress on investment, services, regulatory issues and energy and raw materials. Furthermore, along with the physical meeting held in Europe, video conferences covering plant health and hygiene measures,

intellectual property rights, competition policy and small and medium enterprises also took place.

The [third round of negotiations](#) took place on 16 December 2013, in Washington DC (see press release [IP/13/1306](#)). Negotiators made progress on the three core parts of the TTIP:

- Market access: the EU wishes to cut customs tariffs on imported goods; allow firms from either side to bid for government procurement contracts; and open up services markets and make it easier to invest.
- Regulatory aspects: discussions were held on regulations which protect people from risks to their health, safety, environment, financial and data security. It was stressed that the TTIP will not be a deregulation agenda as it does not wish for either side to lower its standards of consumer, environment, health, labour or data protection, or limit its autonomy in setting regulations.
- Rules: trade-related rules in several areas were discussed. These include measures to ensure: free and fair competition between firms; access to energy and raw materials; the protection of people's rights at work, and the environment; and less red tape when importing or exporting (trade facilitation).

After the third round concluded, the EU now expects to start work on the wording of proposals in a majority of the discussed areas by March 2014, when the fourth round of negotiations are scheduled to take place in Brussels.

Freedom, security and justice

Following the September 2001 terrorist attacks in the United States, close links were established between the European Commission and the US Department of Homeland Security to combat global terrorism, focusing on issues such as border security, travel documents, cooperation between law enforcement agencies, and improved information-sharing. At the beginning of 2005 the US approved a full-time attaché from the Department of Homeland Security to the EU.

Amongst the resulting security-related initiatives were:

- an EU-US [Agreement on extradition](#) (adopted on 25 June 2003, following [Council Decision 2003/516/EC](#) of 6 June 2003; the Agreement was approved by the EU in [Council Decision 2009/820/CFSP](#) of 23 October 2009)
- expansion of customs co-operation to cover container security (see Press Release [IP/04/1360](#) and [Summaries of EU legislation](#))
- an [Agreement between the USA and the European Police Office](#) (Europol) of 6 December 2001 and a [Supplemental agreement](#) between Europol and the USA on exchange of personal data and related information on 20 December 2002
- a 6 November 2006 [Agreement](#) on judicial co-operation between Eurojust and the US to enhance co-operation in combating serious forms of transnational crime, including terrorism.

Passenger Name Record

One of the most contentious issues has been the post-9/11 demand by the US Aviation and Transportation Security Act for airlines operating passenger flights to, from or through the US to provide US authorities with electronic access to Passenger Name Record (PNR) data. Contained in reservation and departure control systems, PNR data includes details of departure and return flights, connecting flights, and special services required on board the flight.

In December 2003, the Commission adopted the Communication 'Transfer of Air Passenger Name Record (PNR) Data: A Global EU Approach' ([COM\(2003\)826](#)) in which it summarised the EU-US talks on PNR data transfer and set out the steps it would take to develop an appropriate policy and legislative framework.

The EU subsequently adopted an Agreement on PNR in May 2004 (under [Council Decision 2004/496/EC](#)), but in May 2006 the European Court of Justice (ECJ; now the Court of Justice of the European Union) said that the Commission had been wrong to base it on Article 95 of the EC Treaty. The following month, the Commission announced that it was seeking to comply with the judgement, by recommending to the Council that the Agreement be terminated, and that the Council authorise the Commission to open negotiations for an Agreement with the US on the use of PNR data to prevent and combat terrorism and transnational crime, including organised crime (see Press Release [IP/06/800](#)).

An interim Agreement of October 2006 expired on 31 July 2007. It was replaced by the seven-year 'Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS)' (the '2007 PNR Agreement'; see [Council Decision 2007/551/CFSP/JHA](#) and the associated [Agreement text](#); see also [MEMO/07/294](#), [Summaries of EU legislation](#) and [Statewatch Observatory on the exchange of data on passengers \(PNR\) with USA](#)).

In November 2007, the Commission adopted a proposal for a Council Framework Decision on the use of PNR data for law enforcement purposes. The proposal was endorsed by the Council, but the entry into force of the Treaty on the Functioning of the European Union on 1 December 2009 meant that the proposal became obsolete (see [PreLex dossier](#)). A new proposal, based on the TFEU, was adopted on 17 December 2009 as COM(2009)702 (see [PreLex dossier](#)).

On 21 September 2010, the Commission adopted a 'PNR package', comprising the Communication 'On the global approach to transfers of Passenger Name Record (PNR) data to third countries' ([COM\(2010\)492](#)) and recommendations for negotiating Directives for new PNR agreements with the United States, Australia and Canada (see Press Releases [IP/10/1150](#), [MEMO/10/431](#)). The Communication set out a set of general criteria as the basis of future negotiations on PNR agreements with countries outside the EU. Negotiations on the EU-US PNR were subsequently launched on 8 December 2010, with the aim of reaching a fully operational and effective agreement as soon as possible (see Press Release [MEMO/10/664](#)).

On 17 November 2011, a new agreement on PNR was initialled (see Press Releases [IP/11/1368](#) and [MEMO/11/797](#)). On 27 March 2012, the agreement was approved by the European Parliament's Civil Liberties Committee. A plenary vote is scheduled for 19 April. If the text is supported by the full Parliament, it will replace the existing 2007 agreement; if Parliament rejects it, the 2007 agreement will continue to apply – provisionally – until July 2014 (see Press Release [20120326IPR41838](#)).

More widely, on 2 February 2011, the Commission adopted a Proposal for a Directive 'on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime' ([COM\(2011\)32](#); see also Press Release [MEMO/11/60](#)). The proposal aims to harmonise Member States' provisions on obligations for air carriers, operating flights between a third country and the territory of at least one Member State, to transmit PNR data to the competent authorities for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.

You can find more information in ESO on PNR by clicking [here](#).

Air Cargo Security

On 1 June 2012, the Transportation Security Administration and the European Commission signed a declaration for an air cargo security partnership with the EU and Switzerland (see press release [IP/12/544](#) and [MEMO/12/400](#)).

This agreement recognises each other's air cargo security regimes and paves the way for improved information sharing, stronger security and faster, cheaper and more efficient air cargo operations between the US and the EU. The mutual recognition will substantially cut cargo operators' cost and save time as 'air carriers transporting cargo from EU airports to the US no longer need to apply additional US measures as they comply with the EU requirements' and 'cargo or mail shipments from the EU may transfer at EU airports to further destinations without additional controls.'

Terrorist Finance Tracking Programme / SWIFT

Under the Terrorist Finance Tracking Programme (TFTP), introduced by the US after the 11 September 2001 terrorist attacks, the US Treasury Department requires the Society for Worldwide Interbank Financial Telecommunication (SWIFT) to transfer personal financial data to the US Treasury Department.

In June 2006, the US press revealed that SWIFT had been issued subpoenas by the US, forcing it to transfer data to the US authorities. The EU expressed concerns over data protection and in early 2007, the Commission and the German Presidency of the EU negotiated a set of undertakings with the US Treasury Department concerning how EU-originating personal data would be processed under the TFTP (see [Official Journal C166](#), 20 July 2007).

In March 2008 the European Commission appointed the French counter-terrorism judge Jean-Louis Bruguière to examine the TFTP. That review sought to ensure that the TFTP was implemented in line with assurances given to the EU by the US Treasury Department (see Press Release [IP/08/400](#)). Two (secret) reports, presented by M Bruguière in December 2008 and February 2010 were said to conclude that the US provides personal data protection safeguards and that the Programme has been instrumental in preventing significant terrorist attacks in the EU.

SWIFT announced that it was to establish a new operating centre in Switzerland by the end of 2009, thus eliminating the need for much of the TFTP data received by the US Treasury to be stored in the US. In response, at the end of July 2009, the Council adopted negotiating guidelines for an interim TFTP Agreement (interim, because the Treaty of Lisbon would, if adopted, change the legal basis of any longer-term agreement).

In a significant change from the existing situation where requests to transfer data were made directly by US authorities to SWIFT, the draft Agreement would require a European judicial authority to verify the legality of any request (see Council [Information Note](#)).

On 9 February 2010, the Council adopted a declaration on the interim Agreement (see Press Release [6265/10](#)), but two days later the European Parliament voted against the deal. Privacy, proportionality and reciprocity were the main issues concerning Parliament, which asked the Council and Commission to develop a long-term agreement with the US which would comply with the Treaty of Lisbon and the Charter of Fundamental Rights. The vote meant that the text signed between the EU and US was legally void (see Press Release [20100209IPR68674](#)).

Later in February 2010, the Commission launched a public consultation on a future EU-US data protection and information sharing agreement (see Press Release [IP/10/133](#)).

On 24 March 2010, the European Commission adopted a draft mandate to be agreed by EU Ministers before talks with the US could begin (see Press Releases [IP/10/348](#), [MEMO/10/101](#)), and on 7 April MEPs started discussing the proposed mandate (Press Release [20100406STO72100](#)).

On 15 June 2010, the Commission adopted the draft TFTP Agreement (see Press Releases [IP/10/735](#) and [MEMO/10/258](#)). Described as 'a substantial improvement' over the rejected Interim Agreement, the draft:

significantly strengthens data protection guarantees concerning transparency, rights of access, rectification and erasure of inaccurate data. The Agreement guarantees non-discriminatory rights of administrative redress and ensures that any person whose data are processed under the Agreement will have rights to seek judicial redress in the United States from any adverse administrative action.

Following [Council Decision 2010/411/EU](#) of 28 June 2010 on the signing of the Agreement, MEPs approved the new Agreement (labelled 'SWIFT II') on 8 July 2010. Safeguards negotiated by Parliament with the Council and the US Treasury Department will see the EU develop a system that will eliminate the need for bulk data transfers, with the EU establishing its own equivalent to the TFTP and only transferring data to the US in response to specific terrorist threats (Press Release [20100707IPR78054](#)).

Subsequently, on 13 July, the Council adopted [Decision 2010/412/EU](#) on the conclusion of the Agreement (see associated [Summaries of EU legislation](#)), allowing the Agreement to enter into force on 1 August 2010.

[Council Decision 2010/411/EU](#) requires the Commission to submit a legal and technical framework for the extraction of data on EU territory by 1 August 2011 (see [TFTP Roadmap](#)).

A [Joint statement](#) issued following the November 2010 EU-US Summit welcomed the successful negotiation of the TFTP Agreement.

Following the entry into force of the TFTP Agreement, the results of the first six-monthly joint review of the Programme's implementation were announced in March 2011. The European Commission's main recommendations were to ensure that Europol receives as much information as possible from US authorities in written form, that transparency of the programme is increased, and that more feedback is sought on the added value the agreement brings to counter-terrorism work (see Press Release [IP/11/324](#)).

After the Council adopted the Commission's negotiating directives for a personal data protection agreement between the EU and the US on 3 December 2010, negotiations on said agreement were finally launched on 28 March 2011 (see [MEMO/11/203](#)).

A joint statement on data protection issued on 19 March 2012, following a High Level Conference on Privacy and Protection of Personal Data, highlighted two recent developments: European Commission proposals of 25 January 2012 to reform the EU's 1995 data protection rules (see Press Release [MEMO/12/192](#) and DG Justice [page](#)), and publication in the US on 23 February of a Consumer Privacy Bill of Rights (see White House [Press Release](#)). The statement also claimed that:

Stronger transatlantic cooperation in the field of data protection will enhance consumer trust and promote the continued growth of the global Internet economy and the evolving digital transatlantic common market.

Between 20 and 21 June 2012, a EU-US Justice and Home Affairs Ministerial meeting took place in Copenhagen (see [MEMO 12/459](#)). One of the main agenda items was data protection.

On 21 June 2012, a joint statement on the negotiation of a EU-US Data Privacy and Protection agreement was issued by the European Commission Vice-President Viviane Reding and US Attorney General Eric Holder (see [MEMO/12/474](#)):

Negotiations have taken place at a steady rhythm since they began in March 2011 and progress has been achieved on a number of provisions. These include important principles such as data security, transparency of data processing or use, accountability, maintaining the quality and integrity of information and the existence of effective authorities ensuring data protection oversight. We are likewise continuing our work on a number of domains such as purpose limitation, retention of personal data, and effective administrative and judicial redress.

Vice-President Reding and US Attorney General Holder met again in April 2013 in Washington and concluded their reunion with a discussion about the ongoing negotiations for a data protection agreement (see [MEMO/13/304](#)). The US confirmed then that 'it shares the EU's goal of a high level of protection of personal data' and both sides seemed optimistic in finalizing negotiations.

On 13 and 14 June 2013, a EU-US Justice Ministerial meeting was held in Dublin (see [MEMO/13/550](#)). During this reunion, Vice-President Reding looked for clarifications as to 'whether and how US authorities are accessing and processing the data of European citizens' as so did the European Commission:

[...] the Commission considers that the EU-US data protection agreement, on which negotiations began in 2011, should guarantee a high level of protection for citizens on both sides of the Atlantic. The Commission will reiterate again that the agreement should establish enforceable rights for individuals whose data are being exchanged across the Atlantic for law enforcement purposes and provide for equal treatment between EU and US persons, including access to judicial redress in case these rights are violated.

You can find more information in ESO on the TFTP by clicking [here](#).

Visa Waiver Program

On 18 April 2008, the Council authorised the Commission to start negotiations with the US aimed at reaching agreement on access to the US Visa Waiver Program (VWP). [Regulation 539/2001](#) establishes lists of third countries whose citizens either need or do not need a visa to enter an EU Member State. The principle of reciprocity should mean that countries whose citizens don't need a visa to enter the EU should exempt EU citizens from the obligation to have a visa to enter those countries. In July 2008, the Commission issued its Fourth Report 'on certain third countries' maintenance of visa requirements in breach of the principle of reciprocity', confirming that the US was amongst a number of countries maintaining visa requirements for EU citizens.

Describing the situation as 'still far from satisfactory', the Fifth Report (adopted on 19 October 2009 as [COM\(2009\)560](#); see also Press Release [MEMO/09/466](#)) showed that the US still required visas for nationals of Bulgaria, Cyprus, Greece, Poland and Romania.

The Report also criticised the US Electronic System for Travel Authorization (ESTA), a mandatory registration scheme for people travelling to the US on the Visa Waiver Program with a fee of \$14 fee per person:

the Commission deplores the passage of legislation introducing a fee for the use of the ESTA for the benefit of the US travel and tourism industry. This tax on foreigners would be a retrograde and counter-productive step and could lead to the determination that the ESTA is tantamount to the Schengen visa application process with very serious potential consequences for US travellers to Europe.

(See also [Commission Submission to the US on ESTA](#), 7 October 2010).

On 5 November 2010, the Sixth Report ([COM\(2010\)620](#); see also Press Release [IP/10/1473](#)) confirmed that Greece joined the Visa Waiver Program on 5 April 2010, with the visa requirement being maintained for citizens of Bulgaria, Cyprus, Poland and Romania. The Report also noted that, on 20 January 2010, US Customs and Border Protection (CBP) initiated a 60-day transition period to enforced ESTA compliance for air carriers, allowing airlines to refuse boarding to VWP travellers without an approved ESTA.

[Council Regulation 851/2005](#) allows the possibility for the EU to temporarily reintroduce the visa obligation for citizens of those countries which do not respect the reciprocity principle (see also [Summaries of EU legislation](#) [archived].) Although individual Member States have signed Memoranda of Understanding with the US, there is no EU-wide agreement. The Commission indicated that it would propose retaliatory measures from 1 January 2009 if no progress was achieved (see Press Release [MEMO/08/519](#)). The threat of retaliation was apparently not carried out.

The European Commissioner for Home Affairs, Cecilia Malmström, was reported to have told Members of the European Parliament on 10 November 2010 that:

following the entry into force of the Lisbon Treaty and the abolition of the former pillar structure, all conditions for the US Visa Waiver Program now fall under EU competence.

The implications of the Treaty change for Member States' ability to sign bilateral agreements was queried in Parliamentary question [E-010183/2010](#) of 8 December 2010. The [Answer](#) given by Ms Malmström on 1 April 2011 included the statement that:

in view of the present situation, where already a significant number of Member States have concluded with the US agreements on terrorist screening and agreements on enhancing cooperation in preventing and combating serious crime, the Commission takes the view that Member States can continue to negotiate bilateral agreements, however on the understanding and only to the extent that such agreements do not affect the EU acquis in the areas of police cooperation in criminal matters and judicial cooperation, in particular with regard to the exchange of law enforcement information.

On 2013, the European Council of Foreign Relations published the report '[Reciprocity on visa procedures with the US](#)' that revealed that despite the fact that "several bills aimed at expanding the VWP were [...] introduced in Congress, most notably the [JOLT Act](#)", four EU member states – Bulgaria, Cyprus, Poland, and Romania – remain excluded from programme. Furthermore, the European Commission has yet to issue its final verdict on the US ESTA, a scheme "for which the EU has no equivalent for Americans travelling to Europe".

Additional materials can be found on the DG Home Affairs [Visa policy page](#) and you can find more information in ESO on the VWP by clicking [here](#).

Death penalty

Despite much cooperation, there are tensions and difficulties over some freedom, security and justice issues, including the detention without trial of [EU citizens in Guantanamo Bay](#) and the United States' continuing use of the death penalty. All EU Member States are signatories to the European Convention on Human Rights, which outlaws the [death penalty](#).

Following the execution in the State of Georgia on 6 May 2008 of William Lynd, the Slovenian Presidency of the EU issued, on 14 May, a [Declaration](#) calling for 'the immediate re-establishment of a de facto moratorium on the use of the death penalty across the entire United States, with a view to abolishing the death penalty'. That plea was ignored, but the EU has continued to make representations in individual cases (see [Action on US Death Row Cases](#) pages).

To mark the 2010 World and European Day against the Death Penalty on 8 October, the EU issued a number of press releases and statements outlining its policy on capital punishment and efforts to abolish it (see e.g. Press Releases [IP/10/1306](#) and [14658/10](#)).

On 11 March 2011, the EU welcomed the abolition of the death penalty in the state of Illinois (making Illinois the 16th US state to end capital punishment – see Press Release [7678/1/11](#)), and on 29 November 2011 EU High Representative Catherine Ashton saluted the moratorium on the death penalty introduced in Oregon (Press Release [A 479/11](#)).

Restrictions on the export of drugs used for executions in the US were included in [Commission Implementing Regulation \(EU\) 1352/2011](#) of 20 December 2011, amending Council Regulation (EC) 1236/2005 on trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (see also Press Release [IP/11/1578](#)).

On 12 July 2012, the EU expressed its concern about death penalty after hearing of the scheduled executions of Mr. Warren Lee Hill in the State of Georgia and Mr. Daniel Cook in the State of Arizona and asked the authorities of both States to grant both men relief from their punishment (see [PC.DEL/703/2012](#)). While Mr. Cook was executed on 8 August 2012, Mr. Hill was granted stay of execution.

On 20 September 2012 the EU reiterated its position in a statement published after learning of the scheduled execution of Mr. Terrence Williams in the State of Pennsylvania and urged the US authorities to grant Mr. Williams relief from the capital punishment (see [PC.DEL/854/12](#)):

The EU opposes the use of capital punishment in all cases and under all circumstances, and calls for a global moratorium as a first step towards its universal abolition, in line with resolutions adopted by the United Nations General Assembly in 2007, 2008 and 2010. We consider that states, which have not as yet abolished the death penalty, should not impose this punishment when a *de facto* moratorium has been in place for an extended period. The execution of Mr Williams would break the *de facto* moratorium currently in place in the State of Pennsylvania since 6 July 1999.

The EU believes that the abolition of the death penalty is essential to protect human dignity and to the progressive development of human rights. Furthermore, no reliable evidence supports the argument that the death penalty is a deterrent to serious crime. While the EU fully respects the democratic process of other countries, the concern for human integrity and human dignity, which has inspired us to abolish capital punishment, obviously applies to all human beings.

On 13 December 2012, a similar statement was sent to the Government of the United States after the execution of Mr. Manuel Pardo in the State of Florida. Once again, the EU expressed its concern about the use of death penalty in the US (see [PC.DEL/1050/12](#)):

The EU recognises the serious nature of the crime involved, and wishes to express its sincere sympathy for the surviving family and friends of the victims. However, the EU does not believe that the use of death penalty can ever be justified.

With capital punishment, any miscarriage of justice, from which no legal system is immune, represents and irreversible loss of human life.

Furthermore, the EU also called on all participating States of the UN General Assembly to support the "new resolution calling for a global moratorium on the use of the death penalty [...] adopted with a large majority by the Third Committee of the UN General Assembly".

On 14 February 2013, after learning that Mr. Warren Lee Hill was again set to face execution in the week beginning 18 February the EU appealed once more to spare his life (see [PC.DEL/101/13](#)):

Pursuant to its previous statement of July 12th 2012, the European Union wishes to renew its urgent humanitarian appeal to spare the life of Mr. Warren Lee Hill who has been on a death row since 1991.

In the present case, the European Union notes with concern that there is evidence to suggest that Mr. Warren Lee Hill is intellectually disabled [...]

The EU strongly believes that the execution of persons suffering from a mental disorder [...] is contrary to widely accepted human right norms and is in contradiction to the minimum standards of human rights set forth in several international human rights instruments.

Mr. Hill was once more granted stay of execution although a new execution date was set on July 15. However, the death row inmate avoided death by lethal injection thanks to Georgia's new Lethal Injection Secrecy Act.

On 9 May 2013, the EU celebrated the abolition of the death penalty in the State of Maryland, making Maryland the 18th US state to abandon the capital punishment (see [PC.DEL/328/13](#)).

In August 2013, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the Commission, Catherine Ashton, issued a [statement](#) in regards of the execution of Mr. John Ferguson on August 5 in the State of Florida.

On 8 October 2013, the [EU received the Foundation Philanthropy Award](#) from the Witness to Innocence organisation in Philadelphia for its work and international efforts to achieve a global moratorium and abolish the death penalty worldwide. Two days later on, on the occasion of the European and World Day against the Death Penalty, the EU published a statement to reiterate its policy (see [PC.DEL/797/13](#)).

International Criminal Court

The US refusal to recognise the [International Criminal Court](#) (ICC) led to considerable concern within the EU, which has consistently been a strong supporter of the ICC. The US withdrew from the Treaty in May 2002 concerned by the prospect of ill-founded or politically motivated complaints against US citizens. The US wanted ICC signatory

countries to sign bilateral agreements giving US personnel permanent immunity from prosecution and on 30 September 2002 EU Foreign Ministers agreed that Member States can negotiate such agreements.

Another challenge to the ICC was the adoption in December 2004, by the US Congress, of the Nethercutt Amendment, which prohibited funds from the US Economic Support Fund to be made available to countries party to the ICC which had not entered into a 'bilateral non-surrender agreement with the US'.

On 10 December 2004, the Council of the EU publicly expressed concern about the adoption of the Amendment (see [press release](#)). According to Dr Ferrero-Waldner, Commissioner for External Relations, [speaking](#) in April 2005:

The Commission is particularly concerned that vulnerable countries, in Latin America, Africa or the Middle East, may see significant amounts of US economic aid withdrawn. The EU has expressed such concern to the US. We have also pointed to the risk that the US would further antagonise relations with countries whose co-operation it seeks in the fight against terrorism. We have urged the US President to make full use of the waiver powers he has under the Amendment and has expressed the hope that it will not be renewed (under the US Appropriations Bill for 2006).

Some encouragement was taken from the fact that in June 2005 the Darfur massacres were referred to the ICC by the UN Security Council with the US abstaining rather than using its veto as a permanent member of the Council to block the referral. In July 2008, the ICC presented charges against Sudan's President, Omar Hassan Ahmad Al Bashir, for the crimes of genocide, crimes against humanity and war crimes in Darfur (see [ICC press release](#)).

The EU remains committed to the ICC: in June 2008, a meeting of the General Affairs and External Relations Council was addressed by ICC Prosecutor Luis Moreno-Ocampo (see [press release](#)), and in July 2008, the EU marked the 10th anniversary of the ICC's founding statute ([press release](#)).

The election of the United States to the United Nations Human Rights Council in May 2009 ([UN Press Release](#)) and US participation in the December 2009 United Nations Climate Change Conference in Copenhagen (see section below) were also cited as evidence of that greater US engagement (see [New US Cooperation for International Criminal Court](#)).

On 28 January 2010 during a speech at the University of Pittsburgh School of Law, Ambassador at Large for War Crimes Issues, Stephen J. Rapp, discussed US-ICC policy and stated that the US would likely not join the ICC in the "foreseeable future".

However, that same year, on May 27, 2010 President Obama issued US [National Security Strategy](#) and stated that "although the United States is not at present a party to the Rome Statute of the ICC, and will always protect US personnel, we are engaging with State Parties to the Rome Statute on issues of concern and are supporting the ICC's prosecution of those cases that advance U.S. interests and values, consistent with the requirements of U.S. law".

In fact, the Obama Administration further stated its intent to cooperate with the ICC. According to a US State Department spokesman on 2 June 2010:

after years of resistance to the ICC, the US push to cooperate with the court under the Obama administration can be seen as part of President Obama's broader agenda to increase its engagement with international institutions.

This became obvious on June 4, 2012 when the [Organization of American States \(OAS\)](#), of which the US is a member state, adopted its [annual resolution on the ICC](#) without the inclusion of a reservation by the US regarding its concerns about the Court. This represented a reversal of the long-standing US practice in ICC resolutions since 2003.

Furthermore, on March 22 2013 the US facilitated the transfer of [Congolese general Bosco Ntaganda](#) to the ICC, after his voluntary surrender at the US Embassy in Kigali, Rwanda and his request to be sent to The Hague to be trialed for alleged crimes in the Democratic Republic of the Congo.

For further information see: [Summaries of EU legislation](#) [archived], Council [International Criminal Court](#) page, European External Action Service [The International Criminal Court & the fight against impunity](#), and [American Non-Governmental Organizations Coalition for the International Criminal Court](#) (AMICC).

National Security Agency Spying Allegations

In 2013, the German news magazine, Der Spiegel, brought to light secret documents that revealed that the EU offices in the US and UN headquarters had been systematically targeted by the National Security Agency (NSA) as well as their offices in Brussels to obtain foreign intelligence. Further reports produced by Edward Snowden, an ex-employee NSA sub-contractor, revealed that the intelligence agency had also bugged offices and mobile phones, accessed internal computer networks, obtained documents and emails and listened to phone calls of their EU partners; especially Angela Merkel's government. The US claimed that their intelligence gathering operations were "of the type gathered by all nations" but the allegations nonetheless led to a setback in US-German relations.

Due to the severity of the accusations, and the increasing global concern in Europe, on June 30 2013, the President of the European Parliament, Martin Schulz, demanded for a full clarification from Washington in order to preserve the good relation between the EU and the US.

The newspaper Le Monde also revealed that [extensive telephone monitoring and tapping](#) was carried out in France "over a period of thirty days – from 10 December 2012 to 8 January 2013, 70,3 million recordings of French citizens' telephone data were made by the NSA" and millions of text messages were also captured. In Europe, only Germany and the United Kingdom exceeded France in terms of numbers of interceptions. This led the [French government to condemn the surveillance](#) and the French Foreign Ministry to summon the American ambassador, Charles H. Rivkin in October 2013 to demand the cease of these activities.

Amidst calls to suspend negotiations on the Transatlantic Trade and Investment Partnership, the European Commission made a statement through Vice-President of the European Commission and EU Commissioner for Justice, Viviane Reding, on 9 December 2013 in which she agreed with other Member states on mass surveillance between partners being unacceptable and called for the need to restore trust in EU-US data flows (see [SPEECH/13/1048](#)):

The Snowden revelations have affected trust in our transatlantic relationship. The Commission immediately took a firm stance, saying clearly that mass surveillance is unacceptable. Commissioner Malmström and I wrote to our U.S. counterparts asking a series of questions immediately. We also raised the issue at the EU-U.S. Ministerial in June.

[...]the U.S. confirmed that these programmes exist and that their scope is broad. We had long discussions about the purpose of the surveillance programmes, and the conditions under which data can be collected and processed under U.S. law.

[...]We have shared our concerns on several occasions with the US authorities, at the highest level, most recently at the EU-U.S. Justice and Home Affairs Ministerial of 18 November 2013 in Washington.

[...]Attorney General Holder and I had frank a discussion. He recognised that trust in the transatlantic relationship has been negatively affected. I explained what should be done to rebuild this trust and protect the rights of EU citizens.

[...]Four points stand out.

Firstly, a swift adoption of the EU Data Protection Reform.

A strong legislative framework with clear rules that are enforceable also in situations when data is transferred and processed abroad is, more than ever, a necessity. It would provide legal certainty and protection for European data subjects and companies.

Secondly, we must make Safe Harbour safer.

As requested by the European Parliament, we have analysed the Safe Harbour regime. [...]we have identified deficiencies, and we have made 13 concrete recommendations. They relate to all aspects of the scheme – transparency, redress, enforcement and access for national security purposes.

[...]While the Safe Harbour decision allows limitations in cases related to national security, they must comply with the principles of proportionality and necessity. This is not the case when data is collected massively, on anybody, without suspicion.

Thirdly, we have to agree strong data protection rules in the law enforcement context.

We should aim for the swift conclusion of the so-called umbrella agreement on data protection in the field of police and judicial cooperation.

An agreement must guarantee a high level of protection for citizens who should benefit from the same rights on both sides of the Atlantic. Notably, EU citizens not resident in the U.S. should benefit from judicial redress mechanisms.

[...]In addition, the U.S. administration should also commit to, as a general principle, making use of formal channels of cooperation, such as the Mutual Legal Assistance agreements or other agreements whenever transfers of data are required for law enforcement purposes. Asking for data held by private companies located in the EU directly should only be possible under clearly defined, exceptional and judicially reviewable situations.

Fourthly, we must ensure that European concerns are addressed in the ongoing U.S. reform process.

Climate change

The [Kyoto Protocol](#) (to the United Nations Framework Convention on Climate Change – UNFCCC) is an international and legally binding agreement to reduce greenhouse gas emissions worldwide. The US decision in April 2001 to withdraw from the Kyoto Protocol was greeted with dismay by the EU. The Environment Minister of Sweden – which at the time held the Presidency of the Council of the European Union – said:

We are prepared if necessary to go forward without the US. We cannot allow one country to declare as dead the process for addressing this major global issue. However, we still hope to have the United States involved in the Protocol as soon as possible.

His optimism over US involvement was misplaced, as the US was not party to the agreement on the Kyoto Protocol when it entered into force on 16 February 2005.

The EU has continued to engage in talks with US policy-makers, focusing on the international climate change regime after 2012, the year when both the Kyoto Protocol and the current US climate change strategy end (see [US Environmental Protection Agency, US Climate Policy and Actions](#)).

In October 2006, Helsinki was the location for the first EU-US High-Level Dialogue on Climate Change, Clean Energy and Sustainable Development, with a second meeting taking place in Washington in March 2008 (see Press Release [IP/08/371](#)). Launched in 2006, the Dialogue is – according to the [Vienna Summit Declaration](#) – intended to address a number of topics, including:

experience with different market-based mechanisms to promote cost-effective reductions in greenhouse gas emissions, advancing the development and deployment of existing and transformational technologies that are cleaner and more efficient, producing energy with significantly lower emissions, efficiency and conservation, renewable fuels, clean diesel, capture of methane, lower emitting agricultural operations and energy production and distribution systems, as well as other environmental issues.

The United States participated in the December 2007 [UN climate change conference in Bali](#) at which it was agreed that formal negotiations on a global climate regime for the post-2012 period should start (see Press Release [IP/08/475](#) and – for insight into the US delegation to Bali changing its stance – see New York Times article [Climate Plan Looks Beyond Bush's Tenure](#)).

The June 2008 EU-US Summit reiterated the parties' commitment to the UN Framework Convention on Climate Change, saying in its [Declaration](#) that:

The EU and the US will pursue the search for global agreement on tackling climate change through the Major Economies Meetings and the G8, feeding into the international negotiations under the auspices of the UNFCCC, in accordance with our respective policies.

In 'A Letter from Brussels to the Next President of the United States of America' ([SPEECH/08/455](#)), European Commission President José Manuel Barroso stated in September 2008 that:

The EU and the US will pursue the search for global agreement on tackling climate change through the Major Economies Meetings and the G8, feeding into the international negotiations under the auspices of the UNFCCC, in accordance with our respective policies.

We will also continue our cooperation on climate change policies and other environmental issues through the EU-US High-Level Dialogue on Climate Change, Clean Energy and Sustainable Development, focussing on issues such as promoting market-based domestic policies to reduce greenhouse gas emissions, facilitating trade and investment in new clean technologies, reducing air pollution and waste, combating illegal logging, and stemming the loss of biodiversity.

The December 2009 United Nations Climate Change Conference in Copenhagen ended with an agreement to cap the global temperature rise by committing to significant emission reductions. The [Copenhagen Accord](#) recognised the scientific view that an increase in global temperature below 2 degrees is required to stave off the worst effects of climate change and, in order to achieve that goal, specified that industrialised countries will commit to implement economy-wide emissions targets from 2020 (see [UNFCCC Press Release](#)).

In a [Joint statement](#), the November 2010 EU-US Summit said:

we emphasized that we stand by the commitments we made in Copenhagen last December, including to reduce greenhouse gas emissions. We agreed to promote a positive outcome at the Cancún conference that includes progress on all core elements contained in the Copenhagen Accord, including mitigation, transparency, finance, adaptation, technology, and forests. We will continue working closely together in all relevant fora, in particular the UN Framework Convention and the Major Economies Forum, to ensure that the comprehensive global framework we are working towards includes robust and transparent emissions reduction commitments by all major economies.

The November-December 2010 [UN Climate Change Conference in Cancún](#) built on the Copenhagen Accord by adopting the [Cancún Agreements](#), described by the European Commissioner for Climate Action, Connie Hedegaard, as:

a balanced and substantive package of decisions [which] represent an important step on the road to building a comprehensive and legally binding framework for climate action for the period after 2012.

However, the Commissioner also noted that:

we still have a long and challenging journey ahead of us to reach the goal of a legally binding global climate framework.

The United States was again seen as being obstructive, by refusing to ratify the Kyoto Protocol or approve any treaty unless major economies, including China and India, were also covered. The US refusal to sign was cited by Japan as justifying its decision not to agree a second commitment period under Kyoto.

In 2011, the [UN Climate Change Conference in Durban](#) took place between November and December during which the EU called for a roadmap towards a new global agreement on the emission of carbon dioxide. For the first time, the [US backed the proposal](#) although US climate change envoy, Todd Stern remarked that the agreement must be equally legally binding on all major emitters; clearly referring to China.

In August 2012, The European Commission urged the world to stick with a goal of limiting climate change to a maximum temperature rise of 2 degrees Celsius after Washington said the target could not be guaranteed.

Todd Stern, the U.S. climate change envoy, said in a speech on 2 August that Washington wanted a more flexible approach to a new U.N. agreement, due to be adopted in 2015, so that it could be modified over time such as to take account of new technologies.

"This kind of flexible, evolving legal agreement cannot guarantee that we meet a 2 degree goal, but insisting on a structure that would guarantee such a goal will only lead to deadlock," he said.

In November/December the [UN Climate Change Conference in Doha](#) took place and the [Doha Amendment to the Kyoto Protocol](#) was adopted as the first commitment period of the protocol expired by the end of December 2012. The new amendment includes:

- New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from 1 January 2013 to 31 December 2020;
- A revised list of greenhouse gases (GHG) to be reported on by Parties in the second commitment period; and
- Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

On 21 December 2012, the amendment was circulated by the Secretary-General of the United Nations to all Parties to the Kyoto Protocol.

The European Commissioner for Climate Action, Connie Hedegaard welcomed the adoption and noted that:

In Doha, we have crossed the bridge from the old climate regime to the new system. We are now on our way to the 2015 global deal.

The Cypriot Minister for Agriculture, Natural Resources and Environment whose country currently held the presidency of the Council of the EU added that:

This package of decisions provides a solid basis for increasing the ambition level of global emissions action by 2015. The EU will work with our partners to make the most of this opportunity. We came to Doha keen to hear concrete proposals from developing countries for addressing loss and damage associated with the impacts of climate change, and we welcome the agreement here to establish institutional arrangements for this issue next year.

The June 2013 [UN Climate Change Conference in Bonn](#) revealed that there had been a "groundswell of support for the EU's proposal for a global phase-down of HFCs" and that progress had been made towards a better understanding of "how to manage the role of agriculture and of forests in the context of climate change" (see [MEMO/13/563](#)).

Four months later on, the European Council adopted [conclusions](#) on the preparations for the 19th session of the Conference of the Parties to the UN Framework Convention on Climate Change.

Between 11-23 November 2013, international climate talks took place during the [Warsaw Climate Change Conference](#) in Poland, between delegates of the G77. The European Commissioner for Climate Action, Connie Hedegaard, formed an alliance with the US and other countries in a bid to force China – the world's biggest emitter of CO₂ and second biggest economy – to agree to an ambitious timetable that will ensure rapidly growing economies to reduce their emissions and take responsibilities for them; something which

they did not under the Kyoto protocol. This resulted in a hopeful outcome that was welcomed by the EU as “a step forward in the international fight against climate change” (see [MEMO/13/1044](#)):

The conference agreed to accelerate work on the 2015 agreement, which will enter force in 2020, and on stepping up the ambition of emission reductions over the rest of this decade. The decision sets out a clear timeline for countries to prepare their intended contributions to limiting or reducing emissions under the 2015 agreement in order to keep global warming below 2°C.

Further information can be found on the European Commission’s [Climate Change website](#).

Education

Educational activities are important not only for strengthening the links between young people in Europe and in the US but also for enhancing the economic relationship. The EU–US Higher Education and Training Agreement, launched in 1995 at the same time as the New Transatlantic Agenda, proved to be a success and in 2006 was renewed for a further eight years by [Council Decision 2006/910/EC](#) (known as the [Atlantis Programme](#); see also EACEA [Atlantis](#) pages and [Summaries of EU legislation](#) [archived]). Atlantis aims to promote ‘understanding between the peoples of the European Union and the United States of America and [to improve] the quality of their human resource development’, by supporting Transatlantic Degree actions, Excellence Mobility Projects, Policy-oriented measures, and Schuman-Fulbright scholarships. In September 2010, 26 new projects were launched under the Atlantis programme, with support for student exchanges, joint degrees and better policy co-operation (Press Release [IP/10/1109](#)).

A further initiative, [Erasmus Mundus](#), launched in 2004, also provides EU-funded scholarships ‘for third-country nationals participating in these master’s courses, as well as for EU-nationals studying at partner universities around the world.’

On 21 October 2011, the Commission adopted a report ‘on the Interim Evaluation of External Cooperation Agreements in Higher Education, Training and Youth with the United States of America and Canada’ ([COM\(2011\)653](#)). It confirmed that the Agreements:

offer substantial and tangible benefits for students, faculty and institutions. The interest from stakeholders in the Agreements is increasing steadily, with the numbers of applications substantially going up in both 2009 and 2010. Most of the activities would not have occurred without funding from both the EU and the US or Canada.

However, it also confirmed that, due to budget constraints, the United States and Canada had decided to cancel all current and future calls for bilateral projects until the Agreements end in 2013.

In 1998, a network of [European Union Centers of Excellence in the United States](#) aimed to promote better understanding of the EU within the US. With the 2005-2008 scheme judged to have ‘had a further positive impact on understanding of the EU and EU-US relations within prominent US universities and their regional communities’, the European Commission extended the initiative for 2008-2011, making 11 grants of up to €300,000 each to support Centers ‘expected to implement high quality teaching, research, and regional outreach programs with EU and EU-US themes’ in the following universities:

- University of California (Berkeley)
- University of Colorado

- Florida International University and the University of Miami
- Georgia Tech
- University of Michigan
- University of North Carolina
- University of Pittsburgh
- University of Texas
- University of Washington (Seattle)
- University of Wisconsin
- Washington DC Consortium (American University, George Mason University, George Washington University, Georgetown University, Johns Hopkins University).

EU information is also provided in the US by a network of 56 [Depository Libraries](#), some of which are located at the universities listed above.

Energy

The November 2009 EU-US Summit agreed to create an [EU-US Energy Council](#), to provide a framework for deepening the transatlantic dialogue on strategic energy issues such as global energy security, new technologies and research. The first meeting of the Energy Council was held during the Summit (see also Press Releases [IP/09/1674](#) and [MEMO/09/490](#), and CORDIS [news item](#)). The Energy Council is intended to:

study diversification of energy sources, such as through increased use of liquefied natural gas (LNG), solar power, wind power and biofuels, and the use of nuclear power. It will discuss how to effectively promote global energy security on the basis of transparent, stable and non-discriminatory global energy markets and diversified energy sources. Diverse supplies and sources, as well as enhanced energy efficiency and transparent markets, are the surest route to energy security. The Council will foster energy policy cooperation, bilaterally and with third countries, aimed at improving energy security, enhancing energy efficiency, and deepening research, development, demonstration and deployment of sustainable and clean energy technologies.

On 23 September 2010, the first workshop of the [Atlantic Energy Efficiency Project](#) took place in Brussels. The project is a joint effort made by the European Commission, the University College Dublin (UCD), the Center on Institutions & Governance of the University of California Berkeley (IGOV), the Centre for European Policy Studies and the Sustainable Energy Authority Ireland (SEAI) to help policy makers in the EU and the US – as well as in emerging economies – better understand how to maximise the impact of support of energy technologies and related R&D and to support ongoing dialogue and interaction between academics, business and policy leaders.

The main objectives of the project are to:

- analyse EU and US energy technology road maps, the potential for synergies and opportunities for mutual learning and harmonisation with a focus on policy, performance, and energy R&D and associated policies aimed at enhanced energy efficiency
- identify joint EU-US approaches to supporting emerging economies' own efforts to embrace energy efficient and low carbon technologies.
- set the above in the context of the current global economic climate, and the respective EU, US and emerging countries' actions for economic revival and specifically, to highlight how and to what extent support for energy efficiency and associated technologies and innovation can contribute to wider economic stimulus.

On 19 November 2010, the Council met to review progress and to delegate new projects to its three working groups, covering Energy Policies, Global Energy Security, and Energy

Technologies Research Cooperation (see Press Release [16724/10](#) and Commission [news item](#)).

On 20 October 2010, ahead of the second meeting, the EU and US defined strategic goals for research on energy storage (see DG Research [news item](#)).

A [Joint statement](#) issued by the November 2010 EU-US Summit stated that leaders had:

tasked the EU-US Energy Council to enhance cooperation on the development and deployment of clean energy technologies. We also tasked it to report by June 2011 on what it has done to accelerate exchanges of information and scientific personnel, to form alliances among our premier energy technology research bodies, and to facilitate participation by qualified researchers in each other's energy research.

We encouraged the EU-US Energy Council to continue to promote energy security by fostering transparent and efficient energy markets, including the diversification of supply sources and routes.

On 10 November 2011, the European Union External Action Service and the European Commission's Service for Foreign Policy Instruments organised a [conference in Charlemagne](#) to explore the opportunities for an enhanced transatlantic dialogue in the areas of cooperation covered by the Atlantic Energy Efficiency project. Policy makers from the European institutions, Member States and representatives to the US Mission to the EU attended.

On 28 November 2011, the US-EU Energy Council met in Washington DC to "review progress achieved on strategic energy issues, cooperation on energy policies and research collaboration on sustainable and clean energy technologies as mandated by the Energy Council in 2009". The [EU-US Summit](#) issued a [Joint statement](#) that noted:

- The need for deeper joint work on electric vehicle interoperability
- The conclusion of negotiations for an agreement to develop common energy efficiency specifications for office equipment to help consumers in both markets identify energy efficient, cost-effective products
- Their intention to continue their strategic dialogue on global gas markets;
- The importance of leading the way in promoting the highest levels of safety and security for nuclear power plants and exploration and production offshore of oil and gas
- Their intention to deepen their co-operation on knowledge-sharing between CCS projects

During the 2011 summit, the US and the EU also launched a major Trilateral Critical Materials Initiative with Japan that could involve other international partners in the future and that is aimed at "co-operating on the sustainable separation, extraction and processing of critical materials, their substitution and more efficient use". The Energy Council welcomed this initiative and called for follow-up action on it.

You can find more information in ESO on the Energy Council by clicking [here](#).

Information sources in the ESO database

Find updated and further information sources in the ESO database:

18.7.b United States of America

- [Key Source](#)
- [Legislation](#)
- [Policy-making](#)
- [Report](#)
- [Statistics](#)
- [News source](#)
- [Periodical article](#)
- [Textbook, monograph or reference](#)
- [Background](#)

Further information sources on the internet

- European External Action Service (EEAS)
 - [Homepage](#)
 - [External Action website](#)
 - [United States of America](#)
 - [EU-US Co-operation by sector](#)
 - [Delegation of the European Union to the United States of America](#)
 - [EU-US Facts and Figures](#)
- European Commission: DG Trade
 - [Homepage](#)
 - [Trade website](#)
 - [Bilateral relations: United States](#)
 - [In Focus: TTIP](#)
- European Commission: DG Eurostat
 - [Homepage](#)
 - [External Trade](#)
 - [International statistical cooperation](#)
- European Commission: DG Communication
 - [RAPID](#) press releases database – [High representative of the union for foreign affairs and security](#) (pre-set search)
- European Commission: DG Climate Action
 - [Homepage](#)
 - [Climate Action: International Partners](#)
 - [Climate Negotiations](#)
- Europa
 - Policy areas: [External Relations](#)
 - Summaries of EU legislation
 - [Relations with] [Industrialised countries](#) (United States section has subsections on:
 - [A stronger economic and political partnership for the 21st century](#)
 - [Agreement between the European Union and the United States on the transfer of financial messaging data](#)
 - [Programme for cooperation in higher education and vocational education and training with the United States](#) [archived]

[Container security: EU/US agreements](#)
[Agreement on the processing and transfer of passenger name record data by air carriers to the United States Department of Homeland Security \(2007 PNR Agreement\)](#)
[‘Open Skies’ agreement between Europe and the United States](#)
[Agreement with the United States on extradition](#)
[Agreement with the United States on mutual legal assistance\)](#)

- Legislative and policy making information
 - [Treaty on the functioning of the European Union](#): Article 4(2), 13, 38-44
 - EUR-Lex: Legislation: [EU-US relations](#)
 - EUR-Lex: Preparatory legislation: [EU-US relations](#)
 - EUR-Lex: Consolidated legislation: [EU-US relations](#)
 - EUR-Lex: Case Law: [EU-US relations](#)
 - EUR-Lex: Summaries of EU Legislation: [EU-US relations](#)
 - European Commission: DG [EU-US relations](#)
- Court of Justice of the European Union: InfoCuria
[Homepage](#): at ‘Subject-matter’ box, click icon at far right to open list of subjects. Choose ‘External relations’, ‘World Trade Organisation (WTO)’ or other appropriate term and click ‘Enter’ to return to main search page. Select dates if required. Hit ‘Search’ at top or bottom of page.
- European Parliament: Legislative Observatory (OEIL)
[Homepage](#): Carry out a [Search](#): scroll down left-hand menu and expand ‘Subject’; then expand ‘External relations of the Union’, then expand ‘Relations with third countries’, then select ‘Relations with industrialised countries: USA, Canada ...’ (if no menu is shown, click ‘OK’ at the search box to display it).
- Council of the European Union
 - [Foreign Affairs Council](#)
- European Parliament
 - [Foreign Affairs Committee](#) (AFET)
- European Parliament: Fact Sheets
 - Section on [The EU’s external relations](#) has a Fact Sheet on [Transatlantic relations: the USA and Canada](#)
- Committee of the Regions
 - [Commission for Citizenship, Governance, Institutional Affairs and External Relations](#) (CIVEX)
- European Economic and Social Committee
 - [External Relations Section](#) (REX)
- European Space Agency
 - [Homepage](#)
 - [About Us: Washington Office](#)
 - [Cooperation with the United States](#)
- European Union Institute for Security Studies (EUISS)
 - [Homepage](#)
 - [Bush’s legacy and America’s next foreign policy](#) (Chaillot Paper 111)
 - [The EU-US security and justice agenda in action](#) (Chaillot Paper 127)
 - [The Agenda for the EU-US strategic partnership](#) (book)
 - [Time for an honest audit of EU-US relations](#) (analysis)

- United States: State Department
 - [Bureau of European and Eurasian Affairs](#)
- United States: London Embassy
 - [Homepage](#)
 - Current issues: [Europe](#)
- United States: Mission to the European Union
 - [Homepage](#)
- United Nations: Framework Convention on Climate Change
 - [Homepage](#)

Ariane Apodaca
ESO Information Consultant
January 2014

Original compilation: 2000 (Eric Davies)

Revised: 2005 (Rohan Bolton), 2008, 2011, 2012 (Eric Davies)

Hyperlinks checked: November 2016 (Bastien Beauducel)