



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 October 2002**

**12703/02**

**NM    LIMITE**

**PE-QE 339**

**PRELIMINARY DRAFT REPLY TO WRITTEN QUESTION  
E-2385/02 put by Brice HORTEFEUX on 06.08.2002**

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from   :       General Secretariat of the Council  
to     :       Permanent Representations of the Member States  
Subject :       **"Echelon interception system"**

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1. Delegations will find attached:
  - the text of the above Written Question;
  - a preliminary draft reply prepared by the General Secretariat.
  
2. If no comments have been received from delegations within **10 working days** of today, this preliminary draft reply will be submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Any comments received will be examined by the Working Party on General Affairs.

## **WRITTEN QUESTION E-2385/02**

**by Brice Hortefeux (PPE-DE)**

**to the Council**

Subject: Echelon interception system

As the Council is undoubtedly aware, in 1998 the European Parliament instructed STOA and a temporary committee of inquiry to investigate the Echelon interception system. The committee published its report in July 2001.

Although there is no formal proof, in the light of the evidence and the consistent pattern of statements from American sources in particular, the existence of a global system of this kind, with the participation of 'the United States, the United Kingdom, Canada, Australia and New Zealand, under the UKUSA, agreement is no longer in doubt'. The same applies to the use of Echelon, namely the fact that the system is indeed used 'to intercept...private and commercial communications and not military communications'.

Although the committee's work did not produce any evidence to show that the global interception system was used to distort the conditions of competition, the report does point out that, according to information gathered in the United States, '5% of intelligence gathered via non-open sources is used as economic intelligence...this intelligence surveillance could enable US industry to earn up to US\$ 7 billion in contracts'.

In the lights of these facts, will the Council:

- take measures to make communications secure and detect any threat of interception?
- call on EU partners gradually to draw up European rules on information exchange between information services?

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## **REPLY**

**to Written Question E-2385/02**

**put by Brice HORTEFEUX**

1. As concerns the protection of telecommunication traffic data, the Council recalls the
  - Council Resolution of 17.1.1995 on the lawful interception of telecommunications (OJ C 329, 4.11.1996, p. 1),
  - Convention of 29.5.2000 on mutual assistance in criminal matters between the Member States of the European Union (OJ C 197, 12.7.2000, p. 1) and the Protocol of 16.10.2001 to this Convention (OJ C 326, 21.11.2001, p. 2), and
  - European Parliament and Council directive 2002/58/EC of 12.7.2002 concerning the processing of personal data and the protection of privacy in the telecommunications sector (OJ L 201, 31.7.2002, p. 37).
2. If further provisions are necessary, the Council will examine any initiative coming from the Commission or a Member State.

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