

UNITED STATES REPRESENTATIVE
TO THE
EUROPEAN UNION

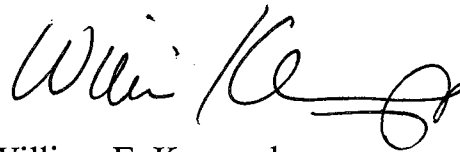
Brussels, July 2, 2013

Dear Madam Commissioner,

It is my honor to forward to you a letter from United States Attorney General Eric Holder.

Please do not hesitate to contact me if I can be of any assistance.

Sincerely,



William E. Kennard
Ambassador

Enclosure: As stated.

CC: HR Catherine Ashton, Foreign Affairs and Security Policy
Cecilia Malmström, EU Commissioner Home Affairs
Lithuanian Presidency of the Council of the European Union
Dailis Alfonsas Barakuaskas, Minister of Interior
Jouzas Bernatonis, Minister of Justice

Her Excellency,
Viviane Reding,
Vice President and Commissioner
Justice, Fundamental Rights and Citizenship



Office of the Attorney General
Washington, D. C. 20530

July 1, 2013

Viviane Reding
Vice-President of the European Commission
Justice, Fundamental Rights and Citizenship
Cecilia Malmström
Member of the European Commission, Home Affairs
European Commission
rue de la Loi 200
B-1049 Brussels, Belgium

Dear Vice-President Reding and Commissioner Malmström:

Thank you for your letter of June 19 regarding the creation of a U.S./EU high-level expert group on oversight of intelligence activities. I was glad to be able to propose such an experts dialogue during the Ministerial meeting in Dublin, and I look forward to the commencement of these discussions.

As I noted during the Ministerial meeting, for this dialogue to be balanced and meaningful, it must consider the intelligence and oversight practices in place on both sides of the Atlantic. Accordingly, the participants in the dialogue must include experts from U.S. and EU Member State intelligence agencies, along with representatives of the entities charged with oversight of those intelligence agencies and data protection experts.

As I understand it, the European Commission does not have competence over the intelligence activities of its Member States. In order, then, to ensure that the Commission has an appropriate role in this dialogue, I would suggest that it proceed along two tracks: first, a discussion regarding oversight of intelligence activities, which would include experts on intelligence oversight and data protection from the U.S., EU Member States, and the European Commission; and second, a discussion of intelligence collection, which would include representatives of the intelligence agencies of the United States and EU Member States.

Consistent with this, the United States is prepared to propose a high-level delegation. For the first track on intelligence oversight, our representatives will include the General Counsel of the Office of the Director of National Intelligence (ODNI), the Civil Liberties Protection Officer of ODNI, the Deputy Assistant Attorney General for the National

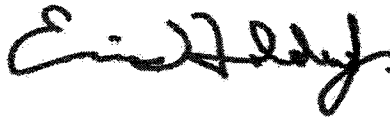
Security Division, and the Deputy Assistant Attorney General for the Criminal Division and Counsel for International Affairs for the Department of Justice. We will nominate similarly senior intelligence agency officials to lead the collection track of the dialogue.

We request that the EU nominate a delegation that likewise has experts assigned to each proposed track of the dialogue. With regard to the oversight track of the dialogue, we would expect that your delegation would include representatives of EU Member State intelligence oversight agencies, as well as data protection representatives. With regard to the intelligence collection track of the dialogue, it would be essential that your representatives be drawn from the Member States with major intelligence agencies -- such as the United Kingdom, France, Germany, The Netherlands, and Denmark.

We also will need to have consultations concerning the agenda for the dialogue, how the results of the dialogue will be reported, and (particularly with regard to the collection track) the security clearances of the participants. We look forward to receiving your nominations, and working out these procedural matters, so that we can hold the dialogue at the earliest possible date.

I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric H. Holder, Jr.", written in a cursive style.

Eric H. Holder, Jr.
Attorney General