



Marco Cappato

*Membro del Parlamento europeo*

**PRIVACY/ USA. CAPPATO URGES COX TO RESPECT THE WILL OF THE EP AND IMMEDIATELY ACTIVATE THE PROCEEDINGS TO BRING THE EU COMMISSION BEFORE THE COURT OF JUSTICE**

Brussels, 24 June 2004

Marco Cappato, Radical MEP of the Lista Bonino and EP rapporteur on privacy wrote today a letter to Pat Cox, EP President, urging him to activate immediately the proceedings to bring before the European Court of Justice the Commission's decision to consider "adequate" the protection of passengers' data on transatlantic flights transferred from the EU territory to the USA, in spite of the international agreement EC/US on data transfer.

On June 16th, the Commission for Legal Affairs of the EP held an extraordinary session and, for the umpteenth time, denounced by 21 votes in favour and 10 against the EU/US agreements on the transfer of passengers' data on transatlantic flights, and requested to bring them before the European Court of Justice on grounds of their incompatibility with EU law.

***Text of Marco Cappato's letter to President Cox:***

"Dear President,

It is foreseen that the agreement on the access to personal data contained in PNRs, which entered into force last May 28th, will be addressed in the framework of the EU/USA summit next June 26th. Hence, it is more than likely that the issue of eventual proceedings before the European Court of Justice against the said agreement, requested in numerous occasions by the EP since March 31st, will also be dealt with.

The activation of such proceedings, regarding both the project of agreement and the EC decision, was requested from you one more time last week by the Legal Affairs Committee, with the backing of the majority of Presidents of the EP political groups, but it yet has to see the light as apparently you have decided to grant yourself a pause for reflection.

Days go by, nevertheless, and your failure to take a clear stance next June 26th, after 15 months of ever clearer and firmer messages from the EP, will translate into a loss of credibility for our institution before the Commission, the Council and third countries.

The day has come to abandon your reserves and abide by the rules by defending the position of the parliament that elected you, in accordance with the provisions of art. 91 of our Rules of Procedure, by which you are obliged, rather than just invited, to activate those proceedings."

***For further information:***

*Office of Marco Cappato:*

*tel: +32 2 2847496*

*fax: +32 2 2849496*

*e-mail: [mcappato@europarl.eu.int](mailto:mcappato@europarl.eu.int)*