

EUROPAISCHES PARLAMENT



ELMAR BROK

MITGLIED DES EUROPÄISCHEN PARLAMENTS

COMMITTEE ON FOREIGN AFFAIRS, HUMAN RIGHTS, COMMON SECURITY AND DEFENCE POLICY

THE CHAIRMAN

Brussels, 18th March 2004

Dear Mr. Hernández Mollar,

I am writing to you on behalf of the Foreign Affairs Committee concerning the measures that the Commission proposes to adopt in order to create a sound legal framework for the transfers of PNR data from the Community to the United States of America.

We are concerned that a negative vote by the European Parliament to either the Adequacy Decision or the accompanying Agreement with the US could send the wrong signal, not just to the US, but to the entire world. The recent terrorist bombings in Madrid have dramatically underlined that Europe is just as vulnerable as the US or any other country in the world to the terrorist threat. The need to step up the efforts to fight the terrorist threat should now, more than ever, be in our minds.

While I can only agree that this Parliament should continue to remind everyone and ensure that the fight against terrorism is not carried out at the expense of the protection of fundamental rights, such as privacy, we are convinced that the deal that the Commission has managed to secure from the US on the treatment of personal data merits our support. Data will only be kept for three and a half years, which is also the duration of the entire arrangement. This will give this Parliament the opportunity to revisit the entire package during the next legislature, in the light of the experience accumulated until then. We obviously cannot judge it conclusively until we have seen how it works in practice and whether the safeguards that have been introduced, in particular to ensure redress for passengers, work satisfactorily or not.

In the current context, the European Parliament should not be perceived as withholding support for an agreement that ensures both adequate data protection and removes a potential threat to transatlantic air traffic. This package represents the right balance between legitimate security needs and the protection of civil liberties. Let's welcome it so that we can test it. I trust you will take these considerations into account when you take a final position on this important issue.

Yours sincerely,

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