

Brussels, 17 May 2004

Mr Pat Cox
President of the European Parliament
PHS 11B011
Brussels

Subject: International Agreement on the Transfer Passenger Data to the US

Dear President,

As you maybe aware the Commission has adopted the decision on "adequacy finding" for the transfer of passenger data to the US. This decision enabled the General Affairs Council to conclude the EU/US international agreement on transfer of passenger data.

With these decisions the Commission and Council have blatantly ignored the will of the Parliament. The chamber reaffirmed its position twice by taking a vote to ask the Court of Justice to rule on the legality of the agreement and to wait for the decision of the Court of Justice before adopting an opinion. Our institution has now been deprived of its legal opinion. This is totally unacceptable.

Nothing can justify an urgency procedure from the Commission and the Council, especially when the President-in-Office of the Council knew that the opinion of the Court of Justice was to be delivered in a very short time.

It is clear to us that the decisions taken are in breach of the loyal cooperation between the EU institutions. They are of unprecedented gravity and show open disdain. The Parliament would be best served by referring this matter to the Court of Justice. May I urge you to take any measures you deem appropriate as soon as possible to protect the interests of this institution.

Yours sincerely,

Enrique Barón Crespo