

Pat Cox
President of the European Parliament

Strasbourg, 5 May 2004

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Dear President,

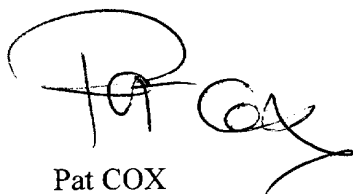
Yesterday the European Parliament rejected the urgency request from the Council on the draft Agreement between the EC and USA on the transfer of passenger data. At the same time, the European Parliament confirmed its determination to obtain an opinion of the Court of Justice on the compatibility of the Agreement with the Treaty, in accordance with Article 300, paragraph 6 of the EC Treaty.

However, the whole procedure of requesting an Opinion from the Court could become without purpose if, in the meantime the Council, on the basis of the Commission draft decision on adequacy finding, concludes the EC/USA agreement on passenger data.

You will no doubt appreciate that such a situation would be unacceptable for the Parliament, not only due to the very sensitive content of the issues at stake, but also more generally in relation to the obligations of the loyal cooperation between institutions, as the right to obtain the advice of the Court will be jeopardised.

For these reasons, I formally invite you to suspend the adoption of the Decision on the "adequacy finding" and to wait for the opinion of the Court of Justice which, if I am well informed, will be delivered within a very short period of time (the Court has already fixed the beginning of June as the deadline for the submissions of all the interested parties).

Yours faithfully,



Pat COX

Mr. Romano PRODI
President of the Commission of the European Union
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