

ASSOCIATION EUROPEENNE
pour la DEFENSE des DROITS de L'HOMME



EUROPEAN ASSOCIATION for
the PROTECTION of HUMAN RIGHTS

MEMBRE ASSOCIE DE LA FIDH

**Press Release
Brussels, 18th May 2004**

PASSENGER DATA (PNRs) TRANSFERRED TO THE US AUTHORITIES:

COUNCIL AUTHORIZES PNRs TO BE TRANSFERRED IGNORING EUROPEAN PARLIAMENT'S NEGATIVE OPINIONS AND ITS DECISION TO ASK THE EUROPEAN COURT OF JUSTICE TO RULE ON THE MATTER

The European Association for the Protection of Human Rights (FIDH-AE) has repeatedly denounced the 'agreement' concerning Passenger Name Record (PNR), meaning the transfer of personal data of air travellers to, from and through the United States' territory. Despite the European Parliament's several negative decisions and without waiting for the judgement of the European Court of Justice, the Commission and the Council have finalised the agreement.

Repeating its strong disapproval of the procedure used (simple consultation of the EP whereas it should have been an assent procedure) and of the urgency request made by the Council after a first negative decision of the EP, the European Association for the Protection of Human Rights denounces that:

- ◆ The agreement entitles to the transfer of 34 fields of personal data mostly discriminatory, such as racial or ethnic origin and political or philosophical beliefs. Under the pretence of fighting against terrorism and crime related to terrorism, these data will be transferred to the US authorities. This happens within a framework, which does neither spell out how the transferred data is to be used, nor how it is to be protected, nor how to provide concerned individuals with the right to appeal.
- ◆ This topic generated a lot of debate; in the end, the decision taken bypasses the debate and thereby undermines the ground our societies are built on: respect of a democratically taken decision. Indeed, the fact that the Commission and the Council's decision bypass the European Parliament (the only elected body of the European Union) and its decision to take the matter before the European Court of Justice seriously threatens our democracy. Such an event at the eve of the European elections and of the future Constitution is extremely disturbing.

Even though the European Parliament's demand to the Court of Justice has no suspensive effect, and despite the fact that EP was simply asked by matter of consultation, the Commission and Member States are holding a serious political responsibility towards the European citizens. The now-taken decision does not only violate the Data Protection Directive, but also threatens the European Charter of Fundamental Rights, as well as Article II-8 of the future Constitution.

The European Association for the Protection of Human Rights deplors such practices as they undermine the rights of the individual, put challenge democracy and ignore European citizens' stand. The European Union should be defending rights and respecting democratic debate as much as universal suffrage.

For further information, please contact: Dan Van Raemdonck, President
FIDH-AE, European Association for Human Rights
303, Chaussée d'Alsemberg, 1190 Brussels, Belgium
tel: (+32) 2 209 63 84
fax: (+32) 2 209 63 80
email: fidh_ae@yahoo.fr