

Johanna Boogerd - Quaak

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Mr Pat Cox
President of the European Parliament

re: Passenger Name Record

Brussels, 7 May 2004

Dear Pat,

I have been informed that the Commission is pushing hard to obtain support for its "adequacy finding" decision from the meeting of the Members States in the Article 31 Committee. An urgent and written procedure was launched Thursday (with a deadline for Monday 10 May) to obtain such support. The Commission plans to submit the draft decision for debate next week on 12 May.

This is clearly contrary to the vote taken by this House this week not to accept the urgency request and the fact that you accepted to ask Council and Commission to refrain from taking any initiative that could jeopardise Parliament's request for an opinion from the Court of Justice.

If indeed the decision is taken on 12 May Council could conclude the EU/USA agreement on PNR on 17 May, which could effectively result in that Parliament's request for an opinion of the Court of Justice will become "without purpose". Moreover, Parliament may not be able to challenge the Commission and Council acts during the 2 months deadline fixed by the Treaty (17 May - 17 July) as it would be rather difficult for the new Parliament to react in time.

I would therefore like to know, if you believe it would be necessary to bring forward a new formal recommendation in order to bring the case to the Court of Justice or whether we can consider that the former recommendation from the Legal Affairs Committee accepted by the

Plenary during the April session, already covers this second phase of the strategy of protecting Parliament's prerogatives.¹

If, however, you believe we need a new recommendation from the JURI committee, I would like to urge - of course in agreement with the political Groups - that a new extraordinary meeting be authorised, which would deal with the letter I sent to the JURI Chairman on 4 May that was unfortunately not debated during the JURI meeting of that day.

Should the JURI meeting take place and should it follow the suggestions that I outlined in my letter, the other institutions would be warned that the Parliament intends to protect its prerogatives before the Court of Justice.

Yours sincerely,

Johanna Boogerd-Quaak

¹ As outlined by the Court of Justice in its opinion 3/94 and suggested by the Jurisconsult of the EP during the JURI committee meeting on 7 April