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Dear Pat,

As you already know, following the Commission's adoption yesterday of its decision on the "adequacy finding" for the protection of PNR data to the US, the General Affairs Council concluded the EC/US "light" international Agreement, which will oblige European airlines to give the US authorities access to PNR data collected in the EU territory.

These decisions have been taken in spite of the fact that:


- the Parliament has formally warned the Commission and the Council with its Resolution of March 30 of the legal and institutional implications of these acts;
- the plenary has decided on April 21 and confirmed on May 5 to ask for an opinion of the Court of Justice on the compatibility of the Agreement with the Treaty;
- you have formally invited the Presidents of the other Institutions to refrain from taking a final decision on the subject pending the opinion of the Court of Justice.

We believe that such an attitude is a clear breach of the duty to loyal co-operation between the EU institutions. Moreover, the President of the Commission has not given legally appropriate justifications for this move, nor has the Irish Presidency informed Parliament of any objective reasons that could justify such an urgency procedure for transferring a national competence to the European level.

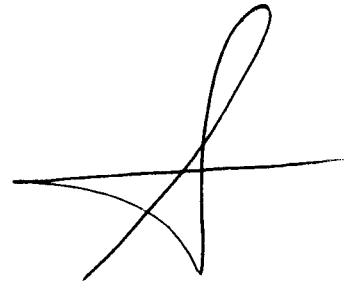
We would like to remind you that Johanna Boogerd-Quaak as Parliament's rapporteur in a letter to you of 7 May, already suggested a strategy to be followed, outlined by the Court of Justice when an international agreement is concluded pending an opinion (see Opinion 3/94).

We would therefore urge you to insert this point on the agenda of the next Conference of Presidents, which is foreseen on 15 June in the presence of the Irish Presidency and the President of the Commission, to evaluate all the political, legal and institutional consequences.

Yours faithfully,



Graham Watson



Johanna Boogerd-Quaak

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