



MEPs refer EU-Canada air passenger data deal to the EU Court of Justice

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The EU-Canada agreement on the transfer of Passenger Name Records (PNR) should be referred to the European Court of Justice (ECJ) for an opinion on whether it is in line with the EU treaties and Charter of Fundamental Rights, MEPs said in a vote on Tuesday. This is the first time that Parliament has asked that a PNR agreement be given a preliminary check by the Court before the final vote on the deal.

The resolution was approved by 383 votes to 271, with 47 abstentions. Before voting on the resolution, MEPs rejected a proposal to postpone it by 307 votes in favour, 380 against and 14 abstentions.

"We want legal certainty for EU citizens and air carriers, not just with regard to the EU-Canada PNR agreement, but also as a benchmark for future agreements with other countries which involve the mass collection of European citizens' personal data", said Parliament's rapporteur Sophie In't Veld (ALDE, NL), after the vote.

"Russia, Mexico, Korea and other countries with weaker data protection rules are collecting passenger flight information and might want to negotiate their own agreements soon. It should be clear that any agreement, present or future, must be compatible with EU treaties and fundamental rights and must not be used as a means to lower European data protection standards via the back door", she added.

The draft resolution was tabled further to a critical opinion issued by the European Data Protection Supervisor on the proportionality of PNR schemes, bulk transfer of data and the choice of a legal basis for the agreement, and also to the recent ECJ ruling invalidating the 2006 Data Retention directive and condemning the bulk collection and storage of data of people not suspected of any crime as disproportionate. The PNR agreement was signed by the EU Council of Ministers and Canada on 25 June 2014, but needs Parliament's consent to enter into force.

Parliament's final vote will now be adjourned until the Court has delivered its opinion. There is no need for scaremongering. The delay caused by seeking the Court's opinion will not result in a security gap", Ms in't Veld said.

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