Opinion from the Court of Justice on the compatibility with the Treaties of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records (PNR) to the United States Department of Homeland Security

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The European Parliament **rejected**, in plenary, a motion for a resolution tabled by the GUE/NGL Group, on seeking an opinion from the Court of Justice on the compatibility with the Treaties of the EU-US Agreement on the use and transfer of Passenger Name Records to the US Department of Homeland Security.

The proposed resolution suggested that Parliament should **seek an opinion from the Court of Justice** on the compatibility of the Agreement with the Treaties. Members take the view that there is **legal uncertainty** as to whether the draft Agreement complies with EU data protection legislation and thus as to whether it is compatible with the Treaties in this respect. They questioned, further, the **choice of legal basis**, i.e. Articles 82(1)(d) and 87(2)(a) TFEU (police and judicial cooperation), rather than Article 16 TFEU (data protection).