EC/Canada agreement: air transport and right to privacy, processing of advance passenger information (API) and passenger name record (PNR) data

2005/0095(CNS) - 07/07/2005 - Text adopted by Parliament, 1st reading/single reading

By 321 votes for, 53 against and 192 abstentions, the European Parliament adopted the report by Sophia **IN'T VELD** (ADLE, NL) which aimed to reject the EU-Canada agreement on the use of personal data provided by airlines to the border authorities of Canada.

Parliament felt that the signature of such an agreement should be postponed until the Court of Justice takes a final decision on a very similar procedure between the EU and USA on the transfer of data, even if they agreed in principle with the content of the Canada agreement.

Parliament also claimed that for this kind of agreement, the assent procedure should be used instead of the consultation procedure as is the case now.

It should be noted that even if they decided to reject the Council initial proposal for these procedural reasons, the House considers the content of the agreement with Canada to be an "acceptable balance" between ensuring security and protecting personal data. It was argued during the debates in the Civil Liberties Committee that the agreement to transfer personal information from citizens who travel into Canada would be acceptable, since Canada has a good legislative system on data protection and because the use of such data would be strictly limited.

The negotiation approach by the European Parliament is similar to that regarding the EU-USA agreement. In 2003 and 2004, MEPs adopted a number of critical resolutions, expressing serious concerns with regard to the use of PNR data. In particular, the Parliament stressed that using PNR data is far from being effective in the fight against terrorism and that there was a serious risk of violating the data protection principles.

Subsequently, in August 2004 the European Parliament brought an action before the Court of Justice for the annulment of the EU-US agreement, judgement on which is still pending.