

European Parliament recommendation to the Council on the negotiations for an agreement with the USA on the use of passenger name records (PNR) data to prevent and combat terrorism and transnational crime, including organised crime

2006/2193(INI) - 07/09/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Sophia in 't **VELD** (ALDE, NL) giving a recommendation to the Council on the negotiations for an agreement with the USA on the use of passenger name records (PNR) data to prevent and combat terrorism and transnational crime, including organised crime. (For the background to this resolution, please see the summary of 13/07/2006.)

Parliament recommended that the Council should negotiate:

- a new short-term international agreement to cover the period between 1 October 2006 and November 2007 (the period originally covered by the US/EC agreement that was the subject of the Court's judgment); and

- for the medium to long term, a more coherent approach at International Civil Aviation Organisation (ICAO) level towards the exchange of passenger data in order to ensure both air-traffic security and respect of human rights at global level.

Parliament made a series of recommendations on the contents of the two agreements. With regard to the short-term agreement, these include the shift to a PUSH system (as provided for in Undertaking 13), as in the case of EC agreements with Canada and Australia, since all the technical requirements are in place.

For the medium and long-term, Parliament proposed a more coherent approach towards the exchange of passenger data. By the time of the review of the agreement in 2007, MEPs want the Council to give Parliament full co-decision rights on such issues so they can ensure future agreements are properly respect data protection safeguards. Such a change would mean invoking the so-called "passerelle" clause of the Treaty, which allows the Council, by a unanimous decision, to move policy areas from decision making by unanimity in Council and consultation of Parliament to qualified majority voting in Council and co-decision with Parliament.

Parliament reiterated its previous demand that the new agreement should grant to European passengers the same level of data protection as is enjoyed by US citizens. It proposed that a dialogue in which parliamentary representatives would take part be launched before the end of 2006 between the EU, the US, Canada and Australia with a view to preparing jointly the 2007 review and establishing a global standard for the transmission of PNR, if that is deemed necessary.