Basic information	
2003/2525(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on transfer of personal data by airlines in the case of transatlantic flights **Subject** 1.20.09 Protection of privacy and data protection 3.20.01 Air transport and air freight	

Key events			
Date	Event	Reference	Summary
13/03/2003	End of procedure in Parliament		
10/03/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/2525(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 136-p2
Stage reached in procedure	Procedure completed

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Motion for a resolution		B5-0187/2003	12/03/2003	

Resolution on transfer of personal data by airlines in the case of transatlantic flights

2003/2525(RSP) - 13/03/2003 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution on the transfer of personal data by airlines to the US immigration service. Parliament recalled that, in the wake of 11 September 2001, the United States has imposed, under threat of severe penalties, direct access to computerised reservation systems and, in particular, to the Passenger Name Record (PNR). This can be linked up not only with identification data but also with other information of the most various kinds, including sensitive information as defined in Directive 95/46/EC. Parliament stated that it shared the concerns that have been expressed by the national authorities concerning the legitimacy of this demand, including its legitimacy under US law. Parliament drew particular attention to its doubts about compliance with EU data protection legislation given the risk that reservation system databases may become de facto 'data-mining' territory for the US Administration. The Commission was criticised for its delay in submitting proposals on a set of problems which have been on the agenda for more than fifteen months, affect data protection and have a huge impact on other Community policies, such as transport and immigration and Union policies such as police and judicial cooperation and the fight against terrorism and organised crime. The Commission has not

verified whether there is a real basis in US law to justify access to reservation systems' data or whether this is an over-broad interpretation on the part of the present Administration. A pledge must be secured that this new legislation will take account of the data protection requirements of Community law. It has also delayed the verification of US legislation required under Directive 95/46/EC, which creates problems for the airlines. The latter are caught between US sanctions and falling foul of the data protection authorities. Lastly, the Commission has not provided information to the public, who should be the first to know what is being done with information about them. Parliament went on to criticise the joint declaration of 19 February 2003 by EU and US officials. This lacks any legal basis and could be interpreted as an indirect invitation to the national authorities to disregard Community law. Parliament instructed its President to activate the procedure provided for in Rule 91 of the Rules of Procedure with a view to determining whether an action may be brought before the European Court of Justice. Any negotiations to be launched should be based on the "open skies" accord, and the fact that there are approximately 10 million transatlantic passengers a year. The Community also has powers in the sphere of immigration policy. The Commission is asked by Parliament to secure the suspension of the effects of the measures taken by the US authorities pending the adoption of a decision regarding the compatibility of those measures with Community law.