Basic information	
2014/2966(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on seeking an opinion from the Court of Justice on the compatibility with the Treaties of the Agreement between Canada and the European Union on the transfer and processing of passenger name record (PNR) data **Subject** 1.20.09 Protection of privacy and data protection 3.20.15.02 Air transport agreements and cooperation 8.30 Treaties in general **Geographical area** Canada	

Key events			
Date	Event	Reference	Summary
25/11/2014	Decision by Parliament	T8-0058/2014	Summary
25/11/2014	Results of vote in Parliament		
25/11/2014	End of procedure in Parliament		

Technical information	
Procedure reference	2014/2966(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 117-p6
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B8-0265/2014	24/11/2014	
Text adopted by Parliament, single reading		T8-0058/2014	25/11/2014	Summary

Resolution on seeking an opinion from the Court of Justice on the compatibility with the Treaties of the Agreement between Canada and the

European Union on the transfer and processing of passenger name record (PNR) data

2014/2966(RSP) - 25/11/2014 - Text adopted by Parliament, single reading

The European Parliament adopted by 383 votes to 271, with 47 abstentions, a resolution tabled by the ALDE Group on seeking an opinion from the Court of Justice on the compatibility with the Treaties of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data (PNR).

The European Union concluded an agreement with Canada in 2005 on the processing of Passenger Name Record (PNR) data on the basis of a set of commitments by the Canada Border Services Agency (CBSA) in relation to the application of its PNR programme. With the expiry of the relevant Commission decision on 22 September 2009, the European legal basis for the transmission of PNR data to the CBSA ceased to exist.

On 2 December 2010 the Council adopted a decision, together with a negotiating directive, authorising the Commission to open negotiations on behalf of the EU for an agreement with Canada on the transfer and processing of Passenger Name Record data.

Parliament decided to **seek an opinion from the Court of Justice on the compatibility of the agreement with the Treaties**. It took the view that there is **legal uncertainty** as to whether the draft agreement is compatible with the provisions of the Treaties (Article 16 TFEU) and the Charter of Fundamental Rights of the European Union (Articles 7, 8 and 52(1)) as regards the right of individuals to protection of personal data.

Moreover, Parliament also questioned 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).

It is recalled that following the entry into force of the Lisbon Treaty on 1 December 2009, the conclusion of new PNR agreements requires the consent of the European Parliament before they can be adopted by the Council.