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PRESS RELEASE

MEPs reject the EU-Canada agreement on transfer of personal data

The European Parliament rejected today the EU-Canada agreement on the use of personal data provided by airlines to the border authorities of Canada. The members 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. The EP members also claimed that this kind of agreements should use the assent procedure instead of the consultation procedure as it is the case now.

Even if they decided to reject the Council initial proposal for these procedural reasons, MEPs consider the content of the agreement with Canada to be an "*acceptable balance*" between ensuring security and protecting personal data. They argued during the debates at the LIBE 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, unlike other countries like USA; and because the use of such data would be strictly limited.

Content of the agreement

The Canadian government passed a new legislation last year to set up the obligation to collect personal data from travellers who fly into the country. Among the measures adopted, Canada introduced from February 2005 fiscal penalties to airlines in case of non-compliance. However the penalties were suspended for European airlines during the negotiation on the agreement, which will in principle be applied from July 2005. This fact explains the urgency of the full Parliament to give its opinion during the current plenary session, even if the rejection of the agreement by MEPs is not binding to the Council final decision.

Once the agreement is finally signed, the Canadian border authorities will have access to the data collected in all passports -full name, date of birth, country of citizenship, etc. - and also to the Passenger Name Records (PNR), which is all the additional information that some airlines keep from their clients -past travels, car and hotel reservation, phone number, e-mail address, residential address, credit card information, religious or ethnic data, etc. -.

EU-USA agreement

The negotiation approach by the European Parliament is similar to that regarding the EU-USA agreement. In 2003 and 2004 the EP members adopted a number of critical resolutions, expressing serious concerns with regard to the use of PNR data. In particular, the EP 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.

Procedure: Consultation

Plenary vote: July

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