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Air passenger data exchange

EU-Canada PNR scheme must have legality assessed by European Court

The European Parliament today voted to refer an agreement between the EU and Canada on the exchange of air passenger data (PNR) to the European Court of Justice (1). Welcoming the vote, Green home affairs spokesperson **Jan Philipp Albrecht** said:

"There are serious doubts about the legality of the planned EU-Canada PNR agreement and it is very welcome that MEPs have recognised this and referred the agreement to the European Court. The mass collection and storage of air passenger data, with no suspicion, is disproportionate and undermines basic rights, with no evidence it helps in combating terrorism. The EU must take the concerns with the PNR concept seriously. If the ECJ confirm doubts with legality of the EU-Canada agreement, this would also have clear implications for similar agreements with the USA and Australia, which would also have to be stopped."

"There is no proof that the mass collection and storage of air passenger data helps in combating terrorism, as some on the centre-right continue to claim. The recent attack on the Canadian parliament would not have been prevented by passenger name record exchange for example. While the exchange of passenger data may create a false sense of security, it is neither necessary nor effective in fighting terrorism and involves a large and unjustifiable cost. Instead, what we need is better cooperation between security services."

(1) The EU-Canada Passenger Name Record agreement was signed by the European Commission and the Canadian authorities in June this year after long negotiations. However, many legal experts have argued that the landmark ruling of the European Court of Justice against the EU data retention directive of April 2014 means the PNR exchange systems practised by the EU with third countries are also not valid under EU law.

The EU-Canada PNR agreement requires the consent of the European Parliament. However, in the context of the changed legal situation, the Greens (together with MEPs from the ALDE, GUE/NGL and S&D groups) support a procedure to refer the agreement to the European Court of Justice for its legal opinion before proceeding with any decision on whether or not to grant consent.

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