Press release | 08.09.2016

Mass collection of flight passenger data is unlawful

Opinion of the CJEU Advocate General

The Advocate General of the Court of Justice of the European Union, **Paolo Mengozzi** today presented his opinion on the agreement for the collection and retention of air passenger data (PNR) between the European Union and Canada.

Green MEP and home affairs spokesperson **Jan Philipp Albrecht** said:

"The Advocate General's opinion on the EU-Canada PNR Agreement is clear: mass collection and retention of air passenger data, as mandated by the the recently agreed EU directive, is not compatible with EU law. He has declared the unrestricted retention of data without suspicion for five years of all passengers travelling from the EU to Canada is not compatible with EU fundamental law, and the same must hold true for the agreements with the US and Australia. His statement follows that of the Court of Justice earlier this year, which declared the Data Retention Directive unlawful. According to their judgment, a link is required between the concerned person and a risk or suspicion, limited in time and space.

"Despite these concerns, the European Parliament voted in April for an air passenger data system which prescribes a five-year-long retention period. The Member States want to widen the scope of these measures to include intra EU flights. If the judges follow the Advocate General's opinion, the corresponding EU Directive and the agreements with the US and Australia will be invalid. The Commission must finally make a U-turn on this matter and focus instead on targeted cross-border investigations based on suspicion and risk, rather than mass collection without suspicion."

Background Information:

On the 15th of November 2014, the Members of the European Parliament brought the agreement on air passenger data between the EU and Canada in front of the Court of Justice of the European Union to clarify whether it is compatible with EU fundamental law. The judgement of the European Court of Justice is expected in the following months.

Press Release from the European Court of Justice:´
http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-09/cp160089en.pdf

Advocate General Opinion:
http://curia.europa.eu/juris/document/document.jsf?text=&docid=183140&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=721542

EP-Resolution on mass surveillance by secret services 12th of March 2014:
http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0230+0+DOC+XML+V0//EN

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