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Passenger data agreements need to be revised

Opinion of the European Court of Justice

The European Court of Justice has today presented its opinion on the compatibility of the EU-Canada Passenger Name Record data agreement (PNR) with EU law. The judges stated that the agreement should must be concluded in its present form, singling out in particular the long-term storage of passenger data as problematic. They also state that the scale and purpose of storage and analysis must be clearly limited.

Vice Chair of the Civil Liberties, Justice and Home Affairs committee **Jan Philipp Albrecht** comments:

"The Court has made clear that the agreement on passenger data transfers with Canada is unacceptable in its current form. But this opinion has much wider implications. All agreements concluded so far, including with the USA and Australia, as well as the most recently adopted EU Directive on data collection and analysis in the EU, must now be revised. To proceed without significant changes would be a clear breach of EU fundamental rights on data protection and privacy.

"In particular, it is clear that the Court does not accept the indiscriminate five-year storage of data, and that data must be deleted after a trip where there is no risk. The Court's opinion once again confirms that the European legislature has gone beyond acceptable limits for safety and surveillance. The European Commission, European Parliament and Member States must take the limitations imposed by the law and fundamental rights seriously and act accordingly. If they do not, their hypocrisy will be clear to all."

Background: For further information, please see the Court's website:

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-07/cp170084en.pdf>

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