

ORAL QUESTION WITH DEBATE O-0062/03

pursuant to Rule 42 of the Rules of Procedure

by Johanna Boogerd-Quaak, on behalf of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

to the Commission

Subject: Transfer of personal data by airlines in connection with transatlantic flights

The European Parliament,

- whereas, since 5 March 2003, the US customs and immigration service has secured, from a number of airlines, unlimited access to personal data stored in computerised reservation systems, in apparent defiance of the obligations stemming from Directive 95/46/EC¹ and Regulation (EEC) 2299/89²,
- surprised that, six months after the European Parliament's firm reminder and despite protests and appeals from passengers, such a situation is still tolerated by the Commission which, as guardian of the Treaties, is required to ensure that Community law is upheld,
- noting the 9 September 2003 statements by Mr Bolkenstein, Commissioner, to the effect that, despite a close dialogue and an exchange of letters with the US Secretary of Homeland Security, Mr Tom Ridge, the Commission is unable to state that personal data are properly protected in the USA,
- whereas Mr Bolkenstein is due to notify the Commission by the end of the month regarding Parliament's position and to meet Mr Ridge on 12 October,

Calls upon the Commission:

1. to determine immediately (on the basis of the suggestions put forward by the Working Party on the Protection of Individuals with regard to the Processing of Personal Data - Article 29 of Directive 95/46/EC) what data could legitimately be transferred by airlines and/or computerised information systems to third parties, provided that:
 - a) there is no discrimination against non-US passengers and no retention of data beyond the length of a passenger's stay on US territory,
 - b) passengers are notified upon purchase of their ticket and give their informed consent regarding the transfer of such data to the USA,
 - c) passengers have access to a swift and efficient appeals procedure should any problems arise;
2. to complete, by 1 December 2003, its checks on the US authorities' data-protection rules and conditions and, if those rules and conditions prove unsatisfactory, to:
 - deny airlines and computerised reservation systems any access and/or transfer which is not in accordance with the principles laid down in paragraph 1, and to
 - begin immediate negotiations on an international agreement in the appropriate fashion

¹ OJ L 281, 23.11.1995, p. 31

² OJ L 220, 29.7.1989, p. 1

(Article 300 of the EC Treaty and Directive 95/46/EC).

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Deadline for reply: 23.09.2003