Involvement of the European Parliament in the work of the Hague Conference

European Parliament resolution on the involvement of the European Parliament in the work of the Hague Conference following the accession of the Community

The European Parliament,

— having regard to the proposal for a Council decision on the accession of the European Community to the Hague Conference on Private International Law (COM(2005)0639),

— having regard to its position of 7 September 2006 on the proposal for a Council decision on the accession of the European Community to the Hague Conference on Private International Law (¹),

— having regard to Rule 108(5) of its Rules of Procedure,

A. whereas the accession of the Community to the Hague Conference on Private International Law (CODIP) should improve consistency in the fields of international civil and commercial law and Community law and should considerably enhance the influence of the Community in this forum,

B. whereas the CODIP conventions are an indispensable point of reference in civil and commercial law,

C. whereas, ever since the Treaty of Amsterdam, the Community has had competence to adopt measures relating to judicial cooperation in civil matters which have cross-border implications in so far as necessary for the proper functioning of the internal market,

D. whereas Parliament is involved as co-legislator in the adoption of such measures, where it is not simply consulted,

E. whereas a number of instruments adopted or contemplated by the Community overlap with matters which have been dealt with or may in future be dealt with by the Hague Conference,

F. whereas, furthermore, the Community will be asked to participate actively in setting the priorities of the CODIP and ensuring that they dovetail with the Hague programme on judicial cooperation, the action plan on financial services and the internal market strategy and, more generally, with the Commission's work programme,

G. whereas the Commission will be required to consult Parliament on draft mandates for negotiation and the need for disconnection clauses,

H. whereas there is therefore a need for Parliament to be closely involved with the proceedings of the Hague Conference and consulted on the outcome of its deliberations in order to secure more democratic scrutiny also of the Commission's participation in the Conference as sole representative of the Community as such, and a greater measure of transparency and openness for its proceedings, which are of considerable interest for citizens and practitioners,

1. Calls on the Council and the Commission to ask Parliament to give its views on a case-by-case basis on the need for the Community to accede to the existing conventions which have been ratified by a significant number of Member States;

2. Resolves to investigate fully with the Conference further modes of cooperation, and to take the lead in the founding of a 'parliamentary forum' with national parliamentarians to both follow and inform the work of the Conference;

3. Calls on the Council and the Commission to propose suitable procedures so as to enable Parliament to play its proper role in the context of the Hague Conference on Private International Law;

4. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

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Agreement with the USA on the use of Passenger Name Record data

European Parliament recommendation to the Council on the negotiations for an agreement with the United States of America on the use of passenger name records (PNR) data to prevent and combat terrorism and transnational crime, including organised crime (2006/2193(INI))

The European Parliament,

— having regard to the proposal for a recommendation to the Council by Sophia in ’t Veld on behalf of the ALDE Group on the content of the Agreement with the United States of America on the use of Passenger Name Records (PNR) data to prevent and combat terrorism and transnational crime, including organised crime (B6-0382/2006),

— having regard to Rule 114(3) and Rule 94 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0252/2006),

A. recalling its previous resolutions on the PNR issue (1), in which Parliament expressed from the outset:

— its readiness to authorise access by public authorities to passengers’ personal data for security purposes when necessary for the purposes of identifying them and cross-checking them against a ‘watch list’ of dangerous persons or known criminals and terrorists (as is done in the EU in connection with Schengen Implementing Convention or under Directive 2004/82/EC (2), which give access to identification data managed by airlines through the Advanced Passenger Information System (APIS), and

— its deep concerns about the systematic access by the public authorities to data, such as the credit card number, the e-mail address, any affiliation to a particular group, frequent-flyer information, linked to the behaviour of ordinary passengers (i.e. people not recorded in the receiving country as dangerous or criminal) in order to check only against a theoretical pattern whether such a passenger might constitute a potential threat to the flight, his or her country of destination or a country through which he or she will transit;

B. being aware that systematic access to ‘behaviour’ data, even if not acceptable in the EU, is currently required by countries including the USA, Canada and Australia for the protection of their internal security, but pointing out that:

— in the case of Canada and Australia, domestic legislation provides for access to data which is limited in scope and time and as regards the amount of data covered and is under the control of a judicial authority, on account of which those systems have been considered adequate by Parliament and by the national data protection authorities in the EU,
