



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 June 2008

10949/08

LIMITE

**CRIMORG 93
AVIATION 129
DATAPROTECT 44**

NOTE

From : Chair of the Airports Group of the Council of Europe's Pompidou Group
to Chair of the Multidisciplinary Group (MDG)

No. prev. doc. : 7656/3/08 REV 3 CRIMORG 49 AVIATION 77 DATAPROTECT 14

Subject : Proposal for a Council Framework Decision on the use of Passenger Name
Record (PNR) for law enforcement purposes

Delegations will find attached a letter from the chair of the Airports Group of the Council of Europe's Pompidou Group to the Chair of the Multidisciplinary Group (MDG) of the Council regarding the Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes.

Dear Chairman,

As the Chair of the Airports Group of the Council of Europe's Pompidou Group, I would like to inform you of the following reflections made at the last Annual Meeting of the Group in May 2008.

These thoughts and concerns are the result of an in-depth exchange of views on the basis of a presentation on "personal name data access: initiatives taken on European level and the state of their advancement" made by Mr Karol Koprivnansky representing the European Commission.

Let me stress the fact that the Airport Group of the Pompidou Group comprises around 110 police and customs officers working at airports in the area of combating serious crime, especially the illegal trafficking of drugs. Central offices of the competent authorities are represented as well.

In conclusion of this annual meeting, the Airports Group decided to inform the relevant body of these concerns and reflections in this area of work and to address a letter to the chair of the MDG on organised crime, currently in the process of establishing a Council framework decision on the use of PNR data for law enforcement purposes with the hope that these concerns be taken into account in the on-going debate.

1) The first and most important concern of the members of the Airport Group is the limitation to extra-European flights. As the Airports Group and its participants established, the number of detected trafficking of illegal drug has increased, in particular on low-cost flights. As smugglers often change flight to make police and customs surveillance more difficult and tend to buy tickets for single flights only. For these reasons, the Airports Group holds that PNR data of passengers should also be accessible to intra-European flights as these flights are also used in the illegal trafficking of drugs.

2) As concerns the definition of "organised crime", the Airports Group considers that even every single act of illegal trafficking in drugs constitutes also a form of organised crime and should be covered by the term "organised crime". But due to the fact that some member states of the Airports Group have a very restrictive interpretation of the term organised crime, it is advisable to include (forms of) serious crime in the scope of the proposal.

3) As concerns law enforcement agencies with direct access rights to personal name registers, the Airports Group considers that Customs services, which also fights organised crime as mentioned above, should be explicitly included in the list of authorised agencies to access PNR data. Without these essential data an effective risk assessment is not possible.

4) As concerns the access method, the Airports Group thinks that PNR data should be accessible for authorised agencies on-line via the airline passenger reservation system. Only punctual and updated PNR data are useful and enable quality risk analysis. Many changes in PNR database happen in last minutes before a flight is due to distract the law enforcement agencies. Neither PUSH nor PULL method are more suitable than on-line access

5) As concerns information sharing, the Airports Group believes that data sharing among national central agencies (PIUs) should be made feasible. Sharing information is necessary to detect criminals/organisers with a view to dismantling their networks.

Let me underline that in the combat against illegal drug trafficking successful profiling methods require easy access to relevant data and rapid exchange of information. In this combat the time factor plays an essential role. I would like to express my confidence, that the concerns expressed will meet the comprehension of your adhoc working party's members.

I am at your disposal for all further queries or requests for additional information.

Yours sincerely,

Pascal GARLEMENT

Chairman