



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 11 July 2008 (15.07)
(OR. fr)**

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LIMITE

**CRIMORG 112
AVIATION 148
DATAPROTECT 52**

NOTE

from:	Presidency
to:	Coreper/Council
Subject:	European passenger name records (PNRs) – Exchange of views

The proposal for a Framework Decision on the use of passenger name records (PNRs) for law enforcement purposes was submitted by the Commission on 17 November 2007.

The interest shown by Member States' Home Affairs Ministers in the establishment of a European PNR system was expressed, during the Slovenian Presidency, at their informal meeting on 25 and 26 January 2008. At the time, Ministers pointed to the need for a system both to be effective and to respect individuals' right to privacy and called for the European Parliament to be closely involved in discussion of the Commission proposal.

In order to meet the need, as clearly seen from proceedings, to encourage examination of the particularly significant and sensitive issues raised by the establishment of a European PNR system, on 1 July 2008 the French Presidency circulated a note putting to delegations a proposed working method and a list of topics whose importance in its view warranted highlighting and closer consideration over the next few months¹.

The choices to point the way for proceedings over the months ahead might in particular be:

- consideration of the substance of the Decision as a matter of priority, with examination of the legal basis being left until the end of discussions;
- seeking to strike a balance between a common tool and the flexibility which Member States may turn out to need;
- consideration based on operational use of data, which appears to be twofold: firstly in real time, resulting in action upon arrival of a flight, and secondly after the event, as part of investigations;
- examination of privacy protection in the light of the intended uses and with the incorporation of standards drawn up at European and national level;
- practical examination of technical arrangements for data collection, treatment of transit flights, the respective roles of passenger information units (PIUs) and relevant law enforcement authorities, and the content of exchanges of information between PIUs.

The specific nature of the work to be carried out in the various areas in many cases makes it very helpful to bring into the discussions those with suitable technical competence. Involvement of the European Parliament in proceedings, by appropriate means, will also allow a constructive dialogue with that institution, which is particularly watchful as regards this proposal.

¹ 11281/08 CRIMORG 102 AVIATION 136 DATAPROTECT 48.

The responses to that note which were sought from delegations by 15 July 2008 are currently being scrutinised and will of course be fully taken into account by the Presidency.

The French Presidency would ask the JHA Council to:

- confirm its resolve to make headway with this proposal;
- agree to the proposed working method, viz. attempting gradually to identify the desired main features of a European PNR system, in the light of the issues raised by it;
- agree that involvement of the European Parliament and contributions from data protection authorities and from sector operators should continue to be actively sought.

A report will be submitted to the JHA Council, following work on this basis during the French Presidency.

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