



**COUNCIL OF
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NOTE

from:	Presidency
to:	Terrorism Working Party
Subject :	Contribution of the Terrorism Working Party to the discussion on European system of collecting and analyzing Passenger Name Records (PNR)

Members of Terrorism Working Party were asked to share their opinions (from the counter-terrorism expert point of view without prejudice to national positions of Member States) on the proposed European PNR system; their views have been collated, analyzed and summarized as follows:

With the increasing threat of terrorism there is a need for a coordinated effort to prevent and combat this threat. However, it is self-understood that all the counter-terrorism measures (PNR incl.) should be implemented under the condition that such a system can be ruled with full respect of fundamental rights and protection of personal data and with the attention to the principles of proportionality and necessity.

The following information is based on the experience of countries that have already implemented a system of collection of PNR.

General counter-terrorism view

The collection of PNR data has proven to be useful in counter-terrorism efforts. PNR system is considered as an additional tool for identifying the preparatory activities for terrorist attacks as well as the links between known and suspected terrorists and their supporters. To be an effective tool, it is essential to combine PNR with other counter-terrorism measures and other databases – PNR is not a tool that would solve all problems and that on its own would lead to capturing terrorists and their supporters. PNR data can, when used in conjunction with data from other sources, significantly assist in the identification of terrorists and their supporters, whether before or after a planned attack. Several Member States have also stated that less intrusive measures (e.g. API) would not replace PNR as they would in themselves frequently be insufficient for the risk analysis and prevention.

Elements of the PNR system important from the counter-terrorism aspect

1. Use of existing databases

One of the main advantages of collecting PNR data is that it can considerably help in combating terrorism in the area of prevention and law enforcement. One example of the added (operational) value of using PNR data alongside other databases/systems is establishing a clearer picture of the movements of known and suspected terrorists and allow for appropriate interventions to be made. It also plays a vital role in providing additional personal information (in particular addresses and phone numbers) which can be of value in identifying and locating suspects.

Collection of API data (Advanced Passenger Information according to 2004/82/EC Directive) alongside with PNR data is necessary for a better detection of terrorist movements. Therefore it is recommended that API data is available in all the cases when PNR should be collected. The reason for this opinion is that the usefulness of PNR data for counter-terrorism and other purposes is maximized in the case it is combined with API data, as API are validated data necessary to identify travelers.

2. Flexibility

The European PNR system should establish basic common rules in this field (such as – under certain conditions – the obligation of Member States to collect PNR, to have a Passenger Information Unit, to analyze the data, rules of transmission of data, data protection and retention issues), while ensuring the compatibility of systems that are already in place in some Member States. It should also be flexible enough to enable the Member States to reflect their national conditions in the counter-terrorism and law enforcement area (e.g. regarding the risk assessment which should be left on the national level).

Possibility of future co-operation of MDG and TWP

The TWP is ready to submit its contribution concerning concrete counter-terrorism issues should MDG need such a help. TWP members' views on establishing a PNR system is that it should help respective agencies in the field of counter-terrorism and enable a prompt information exchange between Member States which is crucial when facing a threat of a terror attack.