

Summary of the Commission's EU-PNR Proposals [1]

- The Commission's proposal for a Directive on the use of PNR would oblige airlines flying into and out of EU Member States to transfer passenger's data to national authorities in the Member State of departure or arrival. The directive would permit national authorities to process and retain this information for the prevention, investigation and prosecution of terrorist offences, serious crimes and serious transnational crimes.
- Currently the scope of the proposed Directive only covers the transfer, processing and retention of the PNR data of passengers flying into or out of the EU (ie international flights). However, the proposal makes provision for a special review of the potential extension of the scope of the Directive to cover PNR data of passengers on flights internal to the EU after four years.
- Each MS will be required to establish a Passenger Information Unit (PIU) to which airlines will be required to transfer data on passengers on international flights. These PIUs then process and assess the PNR data in order to identify persons who may be involved in a terrorist offence or serious transnational crime by checking them against pre-determined criteria.
- Member States will be permitted to transfer PNR data and the results of the PIU's assessment to third countries on a case-by-case basis and upon meeting certain conditions; primarily if necessary for the furtherance of the purposes of the directive. The PIU of a MS will also be entitled to request PNR data and the results of the processing of PNR data of any other MS as deemed necessary to prevent, detect, investigate or prosecute terrorist offences or serious crime.
- PNR data provided will be retained by the PIU's for 30 days after the international flight arrives or departs. After the initial 30 days the PNR data will be retained for a further period of 5 years, but is to be anonymised and all elements which could serve to identify passengers shall be "masked" out. Access to the PNR data is thereafter limited and permitted only by the head of the PIU and where it is necessary to carry out an investigation or to respond to a specific threat or prosecution.

¹ Commission Proposal for a PNR Directive: <http://www.statewatch.org/news/2011/feb/eu-com-eu-pnr-com-32-11.pdf>