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## NOTE

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From:	General Secretariat of the Council
To:	Working Party on Information Exchange and Data Protection (DAPIX)
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Subject:	Update on the Informal Working Group on PNR

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### 1. Introduction

The fourth and last IWG PNR meeting, chaired by Germany, on the implementation of the PNR Directive<sup>1</sup> took place in The Hague on 5 and 6 June 2018. To facilitate detailed discussions between experts from the Member States, the meeting this time included three working sessions in four separate sub-working groups (“operational”, “legal”, “carrier connection”, “interoperability”).

The chair welcomed the steadily rising amount of participants. Due to the growing interest of third countries to join the IWG, the proposed process of agreeing upon new applicants to the group was thoroughly discussed and agreed upon. In line with this agreement, an invitation was sent to representatives of Japan and the United Nations.

The Commission welcomed that 14 Member States have notified the transposition of the PNR Directive and ensured that it will closely monitor the application of the directive.

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<sup>1</sup> Directive (EU) 2016/681 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, OJ L119/132, 4.5.2016

Europol highlighted its supportive role regarding the development of national PNR systems as well as its role in the future exchange of information pursuant to the PNR Directive and presented its vision on the use of travel information.

After Canada had presented its PNR system during the April 2018 IWG meeting, Australia presented its national PNR implementation at the June 2018 meeting. This ensured a broader view of the implementation of comparable authorities in non-EU countries and allowed to address specific questions regarding operational issues.

## **2. Main outcome**

The main outcome of each sub-working group is set out below:

### **2.1 Operational**

The sub-working group operations focused on the following topics:

- Sharing recent operational examples;
- Presentation from European Cybercrime Centre and from Taskforce Travel Intelligence;
- Close examination of the previously established template for PIU to PIU communication;
- Sharing high-level organizational structures of the national PIUs via Europol Platform for Experts (EPE) / Rover;
- Further discussions of the term "duly reasoned request".

## 2.2 Legal

The legal sub-working group discussed the following topics:

- The different state of play in Member States;
- Information exchange, especially between Member States and third countries in view of different data protection levels;
- Withholding information in accordance with Council Framework Decision 2006/960/JHA (Swedish Framework Decision).

## 2.3 Carrier Connection

The carrier connection sub-working group discussed the following topics:

- The different state of play of implementation in Member States;
- Sharing a constantly updated roll-out plan to inform Member States in a timely manner about changes regarding the use of specific data providers by air carriers;
- Consequences of the revised API Directive, the proposal for which will be published in upcoming months;
- The Travel Agency Code lists which are provided by IATA;
- The carrier matrix, which includes an overview on carriers and their data providers;
- Open discussions between carriers, data providers and governments, which are held during the PNRGOV meetings;
- A Data Injector Tool which generates test data and was implemented by NL for testing purposes;

- Short discussions about the size of a PNRGOV message including API data and the problem of matching API and PNR data when sent in different data formats;
- Current discussions held on EPE Rover;
- The responsibility of air carriers and their data providers regarding data quality.

## **2.4 Interoperability**

The interoperability sub-working group discussed the following topics:

- The regular update by each Member State of the country page of EPE Rover on e.g. the PIU status, 24/7 availability, contact details and air carrier connections;
- Europol's recommendation to start with already existing SIENA data fields and assess in a timely manner the need for changes;
- An interoperability action plan (roadmap) consisting of conclusions and recommendations on how to structure the information exchange and cooperation between the Member states and third partners;
- The creation of common standards for sharing structured data.

## **3. Way forward**

The chair will present the outcome of proceedings at the forthcoming DAPIX meeting. The next IWG meeting, chaired by France, will take place in Paris in the first half of October 2018.