Council of the European Union

NOTE

From:	Hungarian delegation
To:	Working Party on Information Exchange and Data Protection (DAPIX)
Subject:	Passenger Name Record Data Exchange Pilot (PNRDEP) for Passenger Information Units
	- Proposal for the 5th IMS action list

1. Introduction

The Council Conclusions on a renewed Information Management Strategy (IMS) for EU internal security (15701/1/14 JAI 897 DAPIX 175 CRIMORG 109 ENFOPOL 372) set out that steps should be taken to develop and, where necessary, update a detailed action list in order to fulfil the overall aims and objectives of the strategy.

The current note is intended to serve as the reference document regarding the key aspects of the PNRDEP (Passenger Name Record Data Exchange Pilot) project, including the objectives, the scope, the main actors, the activities, the timelines and the deliverables in order to give a detailed overview for the delegations about this IMS action proposed by Hungary.

Context

During 2014, fourteen MSs (BG, FI, FR, EE, AT, LV, SE, NL, RO, PT, ES, SI, LT and HU) have started, financed by the Commission (ISEC funding), to develop a national passenger name record (PNR) system and to implement its corresponding national Passenger Information Unit (PIU).

On 4 December 2015 the Council approved a compromise text[1] agreed with the European Parliament on the proposal for a directive on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

According to the directive, the exchange of PNR data is a significant issue and contains provisions regarding the exchange of such data between the Member States and between Member States and third countries.

In view of the above, it is very important not to build several isolated "PNR islands" but to implement PNR systems which are able to communicate with each other.

In November 2014, the European Commission launched a call for proposal in the framework of the Internal Security Fund Police aiming at funding projects on the topic of law enforcement information exchange. In January 2015, the project partners submitted a project proposal aspiring to create the possibility of PNR data sharing between PIUs by making use of existing law enforcement data exchange channels.

Following the positive evaluation of the proposal in July 2015, the European Commission and the Ministry of Interior of Hungary – as the coordinator of the project – signed the grant agreement in October 2015.

The official start day of the project was 1 January 2016. The project aims at the participation of all Member States. Invitations to the open meetings will be circulated in due time.

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[1]   14670/1/15 REV 1 GENVAL 63 AVIATION 145 DATAPROTECT 218 ENFOPOL 372 CODEC 1608

2. Objectives

The ultimate goal of this project is to provide possible solutions for the technical implementation of passenger name record (PNR) data exchange between the Passenger Information Units (PIU).

The project is based on the leading principles for interoperability and data exchange between Member States' PIUs agreed upon by the participating Members States at the UK Conference on Passenger Data – 3 October 2014:

- data exchange should be on a case-by-case basis (i.e. not bulk);

- start small and exclude nothing for the future: short term, pragmatic solutions should be identified;

- use the existing legal frameworks to facilitate data exchange in the short-term, such as those which allow information exchange between law enforcement agencies;

- a secure network is required: for example, the encryption of electronic messages. Proven, secure infrastructures should be used to keep it simple;

- a human element is always required: authorisation of the requestor and the proportionality of enquiries should be validated by human beings; and

- the responding PIU is responsible for replying to an enquiry.

The main goals of the project are:

- to explore the feasibility of using existing law enforcement data exchange channels – especially SIRENE, SIENA and FIU.net – for PNR data exchange between PIUs;

- to conduct a comparative study in the first part of the project which will incorporate an integrated legal analysis on the national legislations governing the functioning of national PNR systems as well as the examination of the infrastructure and technical solution of existing law enforcement data exchange channels possibly used for PNR data exchange;

- to test the most appropriate channel(s).

3. **Activities**

The project is divided into several work packages in which one or more beneficiaries take active role.

Organisation of the kick-off meeting: The purpose of the two-day kick off conference of 11-12 February 2016 in Madrid was, on the one hand, to review the present situation of PIUs of different Member States with respect to the exchange of PNR data and of analytical information obtained from PNR, and, on the other hand, to present the objectives of the work packages 2, 3, 4 and 5. The kick off conference provided an opportunity for exchanging views and discussing problems, questions and conclusions.

Comparative study: Planned activities: 1. perform integrated legal analysis, 2. national PNR realisation reference database development, 3. development of data exchange model, 4. development of a comparative study report.

Organizing the first expert meeting: The seminar will contain the following panels:

- 1st panel – Legal and data protection issues;

- 2nd panel – Summarizing the results of the first findings of the comparison of FIU.net, SIENA, SIRENE infrastructure/technical solution for PNR data exchange;

- 3rd panel – Requirements for the national PIU systems and communication issues;

- 4th panel – Business processes for the data exchange.

Organising the second expert meeting: The key activity of this WP is to achieve agreement between the MS implementing PNR solutions on common rules and interoperability principles applied to the PIU information exchange. The key areas for the discussion and agreements will include:

- definition of the common goal and purpose of the PIU network;

- standards used for the interoperability tasks;

- standard infrastructure requirements and agreement on the pilot infrastructure;

- legal provisions and processes applied for the data exchange and cooperation;

- agreement on the liabilities of MS law enforcement authorities participating in the PIU network; and

- common interoperability solution, correlation and differences in the data protection national legal regulations.

At the same time, the second expert meeting will be used as a networking platform to exchange opinions, knowledge, lessons learned from different MSs implementing (or already having implemented) PNR systems.

Testing of the system: Within this work package the co-beneficiaries will take part in three expert meetings in order to test the system and assure its functioning. Specialized expertise will be assured within the meetings but also throughout all the testing phase of the system using the e-mail addresses provided during the first expert meeting. The testing phase will be coordinated by the Romanian authorities.

Organisation of the closing conference: The objective of this work package is to organize a two-day closing conference where the beneficiaries will have the opportunity the evaluate the results of the project, exchange views on the lessons learned during the project implementation as well as to discuss the future direction of cooperation between PIUs.

4. **Main actors**

Project leader: Ministry of Interior of *Hungary*

Project partners:

- State Agency for National Security of *Bulgaria*

- Mykolo Romerio Universitetas of *Lithuania*

- Polícia Judiciára of *Portugal*

- General Inspectorate of Border Police of *Romania*

- Secretary of Security of *Spain*

- *Europol* (associate partner)

The project aims at the participation of all Member States. Therefore, invitations to the open meetings will be circulated in due time.

5. Target groups

Direct and short term beneficiaries: the coordinator and co-beneficiaries participating in this project.

Medium term beneficiaries: other MSs possessing PIU and which might join later the PNR data exchange system to be developed in this project.

Long term beneficiaries: all MSs, EU agencies.

6. Timing and scheduling

Duration: 01 January 2016 – 30 June 2017 (18 months).

Schedule:

- The project officially started at **11-12 February 2016** with the kick-off conference organised by the Secretary of Security of Spain in Madrid.

- While carrying out the study **between February and October 2016** two expert meetings will be held, one in Lithuania and one in Bulgaria.

- During the **six-month testing period (from December 2016)** three expert meetings in Romania will provide the opportunity to discuss the state-of-play of the testing.

- The outcomes of the project will be presented at the closing conference planned to be held in Budapest in **June 2017**.

7. Costs

The project will be implemented with the financial support of the Commission (ISF Union Action). The total budget is: € 1.281.465,20; **EU grant: € 1.153.318,68** (90% of the total budget).

8. Deliverables

The expected result of the project is the setting-up of a solution for PNR data exchange between MSs' PIUs which would increase the use of PNR data for law enforcement purposes at European level and at the same time would provide effective and adequate safeguards for protection of personal data.

Expected outcomes:

- inception report, containing the conclusions of the kick-off conference,

- integrated analysis and comparative study report,

- report on the results of the expert meetings,

- experts meeting outcomes package,

- document compiling the best practices regarding the possible technical solution and interconnectivity of PIUs, and

- a final report.

9. Contact details of the Project Management (Hungary)

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