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**NOTE**

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From: Presidency  
To: Working Party on Information Exchange and Data Protection (DAPIX)  
Subject: Conference on the future of PNR data - effective use and challenges  
(Sofia, 21 February 2018)

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**1. Introduction**

Security of citizens has always been a core value of the EU. Organised crime and the unprecedented terrorist threat we currently face require joint coordinated efforts and effective cooperation between the stakeholders.

Security is therefore a key priority of the Bulgarian Presidency of the Council of the EU. The Bulgarian Presidency is focusing particularly on the effective implementation of the measures against terrorism and organised crime. Directive (EU) 2016/681<sup>1</sup>, which establishes a common legal framework at EU level for the transfer and processing of passenger name record (PNR) data, is an important tool in the fight against terrorism and serious crime.

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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 establishes at Union level a common legal framework for the transfer and processing of such data, OJ L 119/132, 4.5.2016

The PNR Directive is to be transposed by 25 May 2018, and the Bulgarian Presidency has given priority to the enhancing of the implementation process while building upon the extensive work done on the PNR file by the previous Presidencies of the Council.

## **2. Sofia PNR Conference**

A thematic PNR data conference was held in Sofia on 21 February 2018 which emphasised the strong commitment of Member States to transpose and implement the PNR Directive within the deadline set.

The conference was attended by heads of Member States' PIUs, senior officials and practitioners from 24 Member States tasked with implementing the PNR Directive at national level, Switzerland, USA and Australia and representatives of the European Commission, the EU Counter-Terrorism Coordinator, the General Secretariat of the Council of the EU, the European Data Protection Supervisor, Fundamental Rights Agency (FRA), Europol, eu-Lisa and FRONTEX.

## **3. Topics**

The conference focused on topics such as:

- the future of PNR data – quality, reliability, exchange, data protection and effective use for law enforcement purposes;
- the outstanding issues and challenges and their possible solutions with regard to implementing the PNR Directive - work done within the Informal Working Group on PNR, the state of play in the Member States, relations with third countries and the role of Europol in the context of the processing and use of PNR data and travel information;
- practical aspects of the use of PNR data in the fight against terrorism and serious crime – best practices.

#### 4. Conclusions

All stakeholders shared the same view concerning the fundamental importance of data quality. In this context, it is important to raise awareness among air carriers and other stakeholders about the quality requirements and the minimum set of data that competent authorities need to receive. Some Member States have already introduced national legislation for the direct transmission of PNR data between PIUs and other stakeholders. When they prove to be working, their workflows can be considered best practices.

It was highlighted, from the data protection perspective, that the processing of PNR data should be based on clear rules and independent oversight and should comply, at the same time, with the principles of necessity and proportionality.

PNR data used as a law enforcement tool is the next big step in the common efforts to prevent terrorism and serious crime, and to safeguard the Union's security. The PIUs will significantly enhance the existing cross-border law enforcement cooperation framework allowing for more proactive and preventive actions. PIUs are part of a much bigger picture of interoperability between EU IT systems, combining political, legal and practical aspects. PIUs need therefore to be incorporated within the existing framework of law enforcement information exchange in the most efficient and pragmatic way. The effective cooperation between national PIUs should be enhanced and analytical capacities should be further developed.

Member States have reached different stages in transposing the Directive and the setting up of their PIUs. In this process, the exchange of best practices and peer to peer support remains crucial. The Commission made a commitment to continue deploying efforts to support the Member States and stressed that continuing peer-to-peer exchange of good practices and the discussion of challenges ahead is of key importance.

The role of Europol when it comes to the cross-checking of data, the identification of further criminal links and the provision of Member States with missing data was deemed crucial.

The examples of investigative cases, which were successfully solved thanks to the use of PNR data, proved the operational added value of such data and their specific importance for the effective investigation of serious and organised crime and terrorism.

Wrapping up the discussions and considering the significant added value of the PNR Directive, the Bulgarian Presidency emphasized the continuing need for common and coordinated efforts by all stakeholders and encouraged the proper implementation of this valuable tool before the deadline for transposition.

