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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 - 7th IWG PNR meeting (Paris, 2-3 October 2018)

1. Introduction

The 7th Informal Working Group (IWG) on the implementation of the PNR Directive¹ took place in Paris, 2-3 October 2018, and was chaired by France. IWG PNR meetings aim at fostering the PNR community, to which effect Member States exchange views about operational challenges with a view to designing common solutions and working out best practices. In this respect, the chair highlighted Europol's supportive role as the secretariat of the IWG PNR and its pragmatic contribution to further consolidate the PNR implementation.

Further to experts from the Member States, national representatives from Norway and Switzerland, Canada and the United States as well as a representative from the United Nations attended discussions on technical issues. Discussions took place either in plenary or, in order to allow for focused discussions from different point of views, in three break-out sessions of the four meanwhile established expert sub-working groups (“operational”, “legal”, “carrier connection”, “interoperability”).

¹ 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

The sub-working groups continued addressing issues, such as the use of SIENA for PNR communication, the need for PNR training, the need to have a continuously updated list of PIUs with a 24/7 availability, or the common defining of certain ambiguous terms, for which previous IWG PNR meetings already paved the way but remained of concern for delegations.

2. General updates / plenary session

2.1 PNR training strategy

The meeting was informed about the Hungarian lead development of a strategy to deliver a quality based, coherent, and up-to-date PNR trainings. The strategy would soon be adopted with a view to reaching a coordination mechanism at EU level. A CEPOL PNR training seminar would take place in Münster (DE) on next 22/23 October.

2.2 IATA travel agencies information

The chair (FR) presented the features of IATA's free search engine on travel agencies. It was explained that taking into consideration additional information on travel agencies would enhance PNR data analysis.

2.3 Overview of PIUs: compilation of information

Luxembourg and Europol presented a project aimed at creating an administrative overview of the state of implementation of the passenger information units (PIU) and their capabilities. The overview stems from an initiative from LU, and is foreseen to be developed by early 2019, maintained by Europol, and available on ROVER, i.e. the PNR dedicated Europol platform. The overview could contain information such as contact details, air carrier connections, air traffic, data processing, EU COM statistics, Europol statistics, and a glossary. A tour de table showed that MS broadly supported the project in view of its operational, statistical and administrative added value. However, the overview would only be as reliable as the information put in by MS. In terms of confidentiality, the balance needs to be sought between the type of content it can contain and the security controls that protect it. FR, in particular, supported the project in a perspective of decreasing redundant PIU/PIU requests due to the possibility of pre-checking the kind of information available at all from a PIU.

2.4 *Travel intelligence - vision, blueprint and roadmap*

Europol outlined its envisaged capabilities within the EU travel intelligence architecture. Specific operational and strategic products and services, defined, developed and delivered by a Europol taskforce in close cooperation with the Commission, Frontex and eu-LISA, would support MS in the operational and strategic use of travel related information and intelligence stemming from e.g. PNR, advance passenger information (API)² and ETIAS³. Europol would furthermore contribute to the development and delivery of training for the analysis of travel related information in a coordinated partnership with CEPOL and a number of MS. The Europol representative underlined that common efforts by MS and other parties concerned would be needed to achieve these goals in the area of travel intelligence.

2.5 *State of play of the PNR implementation / information from the Commission*

17 MS had notified full transposition of the PNR Directive, 2 MS partial transposition, 8 MS did not yet notify any transposition, and 24 MS have established PIUs. The state of play would be communicated in detail at the PNR application meeting on 10 October 2018 in Brussels; an external contractor would contact MS in early 2019 in order to assess the legal compliance and completeness of the national PNR implementation.

The final report on the feasibility study on a centralised information routing mechanism for API/PNR data is expected for end of October. The outcome of the report would be taken into consideration for the revision of current API Directive: no timing was defined yet for the submission of such revision.

2.6 *Information exchange: PIU/PIU SIENA demo and template*

The Europol expert informed about the state of play of SIENA⁴ for PNR information exchange communication between PIUs and at national level.

² Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, OJ L 261/24, 6.8.2004

³ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS), OJ L236/1, 19.9.2018

⁴ Europol's secure information exchange network application (SIENA) for use by Member States, Europol and its partners to exchange operational and crime-related information and intelligence.

2.7 *The Netherlands: PIU.net project*

NL reported progress on the PIU.net mainly from a technical point of view. Issues that needed further reflection would be dealt with in workshops on operational and legal questions in October and November respectively. FR informed that it was associated to the project only through testing a light version allowing for search only because of legal concerns on data protection.

2.8 *High speed train taskforce*

Belgium explained the project to extend PNR data processing to another transport mode, namely to high speed, cross-border trains. Project participants are BE (lead), NL, UK and FR. The challenges to be examined on the blueprint of the PNR Directive refer to the modalities of the transmission of PNR data, data requirements, data formats and protocols, and how providers might ensure data quality. A dedicated task force has dealt with these issues in meanwhile six meetings. A roadmap for further work is available on ROVER.

3. Sub-working groups / focus and main outcome

3.1 Operational

- FR and DE shared insight into the administrative set up of their PIUs;
- FR presented PNR examples yielding significant results;
- UK shared examples of processes improved over time;
- Europol information on the Global Action Airport Day (GAAD) on 18/22 June 2018 focussing on fraudulent online purchase of flight tickets, and the impact on potential PIU/Europol PNR communication on that issue;
- a complete tour de table supported the LU initiative for an online overview on PIUs. MS would be invited by Europol to fill in the database in the near future. Upon request of some MS, no field would be compulsory, thus no obligation to fill in information considered as "restrictive" at national level. An e-stamp was suggested to indicate when the country page was last updated.

3.2 *Legal*

- the link between API and the Schengen acquis, and the special cases of (a) extra EU but intra Schengen - flights (CH, NO, IC), and (b) intra EU but not Schengen - flights (UK, IE, BG, CY, RO, HR), for which the API Directive is no legal basis for the collection of API.
- PNR data transfer to third countries, on which issue detailed information was expected from the Commission at the meeting in Brussels on next 10 October;
- the role of the data protection officer (DPO), which issue would be re-discussed at the PIU.net legal workshop in Brussels on next 8/9 November;
- requests for PNR data (PIU – PIU exchange): what if the crime involved is not sentenced with a maximum sentence of minimum 3 years in the requested MS? No problem for the exchange as long as the crime is punishable with a maximum sentence of minimum 3 years in the requesting MS;
- enhancing data quality, on which issue a combined session with the "carrier connection"-sub-working group is envisaged for the next IWG PNR;
- training "legal" module.

3.3 *Carrier Connection*

- progress report on connections, legislation entering into force, establishing of PIUs;
- update on the LU API/PNR gateway project;
- Eurocontrol data, crosschecked by some MS against PNR data: a comparative analysis of Europol data and data from private vendors should be on the agenda of the next IWG PNR;
- data quality issues on which a combined session with the "legal"-sub-working group should be envisaged for the next IWG PNR;
- data provider issues, in particular related to PNRGOV⁵ messages and ETIAS/EES⁶, which also could be an item for the next IWG PNR.

⁵ The PNRGOV message standard, developed by IATA, is intended to facilitate the exchange of data relevant to government requirements on PNR data and airline reservation systems.

3.4 Interoperability

- support for the “*Overview of PIUs: compilation of information*” and the way forward for its implementation: MS will be contacted by Europol in the near future;
- discussion on the use of SIENA, to which 19 MS are connected;
- preparation of the roadmap to roll out SIENA, to be prepared for the next IWG PNR;
- evaluation matrix and its use in relation to PNR data, on which the group will continue at the next IWG PNR.

4. Way forward

The chair will present the outcome of the meeting at the DAPIX meeting on 30 October 2018. Furthermore, the chair informed that the next IWG PNR meetings are planned at Europol's HQ in The Hague on 5/6 February and 17/18 June 2019. The back-to-back Commission PNR "application meetings" envisaged for 7 February and 19 June 2019 respectively were still to be confirmed by the Commission.

⁶ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, OJL 372/20, 9.12.2017