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*Plenary sitting*

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**A7-0150/2013**

29.4.2013

**\*\*\*I**  
**REPORT**

on the proposal for a directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (COM(2011)0032 – C7-0039/2011 – 2011/0023(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Timothy Kirkhope

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PE480.855v02-00

**EN**

*United in diversity*

**EN**

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime  
(COM(2011)0032 – C7-0039/2011 – 2011/0023(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0032),
  - having regard to Article 294(2) and point (d) of the second subparagraph of Article 82(1) and point (a) of Article 87(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0039/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the contributions submitted by the Bulgarian Parliament, the Czech Senate, the German Bundesrat, the Italian Senate, the Netherlands Senate, the Austrian National Council, the Portuguese Parliament and the Romanian Senate, on the draft legislative act,
  - having regard to the opinion of the European Economic and Social Committee of 5 May 2011<sup>1</sup>,
  - having regard to the opinion of the European Data Protection Supervisor of 25 March 2011<sup>2</sup>,
  - having regard to the opinion of the European Union Agency for Fundamental Rights of 14 June 2011,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Transport and Tourism (A7-0150/2013),
1. Rejects the Commission proposal;
  2. Calls on the Commission to withdraw its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 218, 23.7.2011, p. 107.

<sup>2</sup> OJ C 181, 22.6.2011, p. 24.



25.4.2012

## OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime  
(COM(2011)0032 – C7-0039/2011 – 2011/0023(COD))

Rapporteur: Sarah Ludford

### SHORT JUSTIFICATION

Passenger Name Record (PNR) data is provided by passengers, collected by air carriers and used for their ticketing, reservation, and check-in systems. Given its commercial nature, PNR contain several kinds of information, ranging from names, addresses, passport numbers, and credit card information to information on other passengers, travel routes, and travel agents.

While Parliament has recalled its determination to fight terrorism as a key component of European external action and to pursue a pro-active policy of prevention, it also expressed the need to protect fundamental rights and to ensure respect for the privacy of EU citizens in compliance with relevant EU standards and norms of data protection.

The conclusion of agreements with the USA, Canada and Australia relating to the exchange of PNR data has given rise to concerns about purpose limitation, profiling, data retention periods and necessity and proportionality, although these concerns have been resolved satisfactorily in the case of Australia.

In several resolutions the European Parliament has highlighted the necessity of ensuring the consistency of third-country agreements with a specific framework for the protection of this kind of personal data and their processing by the agencies in charge of prevention of terrorist attacks and organised crime so as to ensure that the fundamental rights of citizens to privacy are not infringed upon and that *PNR data is used* only for law enforcement and security purposes in cases of terrorist offences and transnational crime as well as to prohibit in all circumstances the use of PNR for data mining and profiling.

While a number of shortcomings are recognized in the draft directive with respect to these fundamental objectives demanded by the European Parliament, your rapporteur has preferred

to focus her amendments to those aspects directly relating to the competences of AFET as a contribution to the work of the lead Committee, not duplication thereof.

In particular, she has tried to ensure that the objectives of the Directive are not undermined by international agreements that would tolerate lower standards.



## AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a directive Citation 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) Having regard to the opinion of the Data Protection Supervisor of 25 March 2011 and the opinion 10/2011 of the Article 29 Working Party adopted on 5 April 2011, in particular where they question the necessity, proportionality and scope of the Commission proposal;***

### Amendment 2

#### Proposal for a directive Recital 17

*Text proposed by the Commission*

*Amendment*

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. ***However, in cases of deficient technical architecture, the Commission should consider options that ensure the smooth operation of international air traffic and avoid individual Member States imposing disparate sanctions.*** Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these

penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

### **Amendment 3**

#### **Proposal for a directive Recital 24**

*Text proposed by the Commission*

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA.

*Amendment*

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA. ***Such rights should apply equally to Union citizens and to third-country nationals.***

### **Amendment 4**

#### **Proposal for a directive Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) In the interests of ensuring legal certainty and the smooth implementation of this Directive and to avoid damage to the Union's relations with third-country carriers and their flag states, it is essential that the Union adopt workable transitional provisions for the provision of PNR data. In that context, the inclusion of internal flights at this first stage might result in an operational overload resulting in ineffective implementation of the PNR scheme.***

## Amendment 5

### Proposal for a directive Recital 32 a (new)

*Text proposed by the Commission*

*Amendment*

***(32a) International agreements to be concluded by the Union should provide for safeguards compatible with the requirements of this Directive.***

## Amendment 6

### Proposal for a directive Article 2 - paragraph 1 - point h

*Text proposed by the Commission*

*Amendment*

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least **three** years under the national law of a Member State, however, Member States **may** exclude those **minor** offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;

(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least **five** years under the national law of a Member State; however, Member States **shall** exclude those offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this Directive would not be in line with the principle of proportionality;

## Amendment 7

### Proposal for a directive Article 2 - paragraph 1 point i (header)

*Text proposed by the Commission*

*Amendment*

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at

least *three* years under the national law of a Member State, and if

least *five* years under the national law of a Member State, and if

## Amendment 8

### Proposal for a directive Article 4 - paragraph 4

#### *Text proposed by the Commission*

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with points (a) and (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

#### *Amendment*

4. The Passenger Information Unit of a Member State **or a group of Member States** shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with points (a) and (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

## Amendment 9

### Proposal for a directive Article 7- paragraph 3

#### *Text proposed by the Commission*

3. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The Passenger Information Unit may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious crime.

#### *Amendment*

3. The Passenger Information Unit of a Member State **or a group of Member States** shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The Passenger Information Unit may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious crime.

## Amendment 10

### Proposal for a directive Article 8

#### *Text proposed by the Commission*

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and if:

(a) the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled,

***(b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), and***

***(c) the third country agrees to transfer the data to another third country only where it is necessary for the purposes of this Directive specified in Article 1(2) and only with the express authorisation of the Member State.***

#### *Amendment*

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and if:

***(-a) the Union has concluded an international agreement with that third country or is party, together with that third country, to an international convention which provides for safeguards compatible with the requirements of this Directive,***

***(-b) such an international agreement provides for, or the third country specifically agrees to, the transfer of data to another third country where:***

***(i) the third country has justified the necessity of such transfer for the purposes of this Directive as specified in Article 1(2),***

***(ii) the safeguards provided by the destination country are compatible with the requirements of this Directive***

***(iii) the Member State has given prior express authorisation;***

(a) the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled.

## Amendment 11

### Proposal for a directive Article 17 – point b

#### *Text proposed by the Commission*

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, the length of the data retention period and the quality of the assessments. It shall also contain the statistical information gathered pursuant to Article 18.

#### *Amendment*

(b) undertake a review of the operation of this Directive and submit a report to the European Parliament and the Council within four years after the date mentioned in Article 15(1). Such review shall cover all the elements of this Directive, with special attention to the compliance with standard of protection of personal data, ***including in cases of transfers of data to third countries***, the length of the data retention period and the quality of the assessments. It shall also contain ***a review of the transitional provisions in Article 16 and advice on any problems regarding air carriers' provision of PNR data according to the push method, including the impact on third-country carriers and their flag States***, and the statistical information gathered pursuant to Article 18.

## Amendment 12

### Proposal for a directive Article 18 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious crime according to Article 4(2) and the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination.

#### *Amendment*

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious crime according to Article 4(2), the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination ***and the number of cases by country and by purpose, as specified in Article 1(2), of data***

*transferred to third countries in accordance with Article 8.*

**Amendment 13**

**Proposal for a directive  
Article 19 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. When concluding bilateral agreements with third countries or multilateral conventions imposing obligations and commitments, the Union shall ensure that those agreements provide safeguards compatible with the requirements of this Directive.***

## PROCEDURE

<b>Title</b>	Use of Passenger Name Record data (EU PNR)
<b>References</b>	COM(2011)0032 – C7-0039/2011 – 2011/0023(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 14.2.2011
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 14.2.2011
<b>Rapporteur(s)</b> Date appointed	Baroness Sarah Ludford 11.1.2012
<b>Date adopted</b>	24.4.2012
<b>Result of final vote</b>	+: 46 -: 2 0: 1
<b>Members present for the final vote</b>	Elmar Brok, Mário David, Michael Gahler, Marietta Giannakou, Ana Gomes, Takis Hadjigeorgiou, Richard Howitt, Anna Ibrisagic, Liisa Jaakonsaari, Anneli Jäätteenmäki, Jelko Kacin, Tunne Kelam, Evgeni Kirilov, Maria Eleni Koppa, Andrey Kovatchev, Wolfgang Kreissl-Dörfler, Eduard Kukan, Alexander Graf Lambsdorff, Vytautas Landsbergis, Krzysztof Lisek, Sabine Lösing, Mario Mauro, Francisco José Millán Mon, Alexander Mirsky, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Kristiina Ojuland, Justas Vincas Paleckis, Ioan Mircea Pașcu, Alojz Peterle, Cristian Dan Preda, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Marek Siwiec, Charles Tannock, Inese Vaidere, Kristian Vigenin
<b>Substitute(s) present for the final vote</b>	Laima Liucija Andriekienė, Andrew Duff, Tanja Fajon, Kinga Gál, Elisabeth Jeggle, Antonio López-Istúriz White, Carmen Romero López, Marietje Schaake, Indrek Tarand, Alejo Vidal-Quadras, Renate Weber



14.12.2011

## OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime  
(COM(2011)0032 – C7-0039/2011 – 2011/0023(COD))

Rapporteur: Eva Lichtenberger

### SHORT JUSTIFICATION

This Commission proposal for a directive on the analysis of passenger data arises from the legislative procedure for a framework decision on the subject becoming null and void as a result of the Lisbon Treaty coming into force.

Some of the criticisms made of the proposal in 2008 have been taken into account. Yet considerable concern remains regarding the need for these measures and their proportionality; such concern has been voiced by the European Data Protection Supervisor<sup>1</sup>, the EU Agency for Fundamental Rights<sup>2</sup> and the Council's Legal Service<sup>3</sup>. The proposal must be amended in such a way that necessity and proportionality are included. As the example of the judgment of the Romanian Constitutional Court on data retention<sup>4</sup> showed, it is not certain that EU laws containing such disputed curtailment of fundamental rights can in fact be transposed in the Member States. In its judgment on data retention<sup>5</sup>, the German Constitutional Court gave a clear warning that further retention measures – including at EU level – might easily result in overstepping the absolute cumulative limit beyond which even people who are completely above suspicion are subject to surveillance, in contravention of their fundamental rights.

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<sup>1</sup> See

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2011/11-03-25\\_PNR\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2011/11-03-25_PNR_EN.pdf)

<sup>2</sup> See <http://fra.europa.eu/fraWebsite/attachments/FRA-PNR-Opinion-June2011.pdf>

<sup>3</sup> The report has not been published but is available here: <http://gruen-digital.de/wp-content/uploads/2011/05/Gutachten-JD-Rat-PNR.pdf>

<sup>4</sup> Decision No 1258 of 8 October 2009, [http://www.ccr.ro/decisions/pdf/ro/2009/D1258\\_09.pdf](http://www.ccr.ro/decisions/pdf/ro/2009/D1258_09.pdf)

<sup>5</sup> Decision of 2 March 2010, 1 BvR 256/08, 1 BvR 263/08, 1 BvR 586/08, [http://www.bundesverfassungsgericht.de/entscheidungen/rs20100302\\_1bvr025608.html](http://www.bundesverfassungsgericht.de/entscheidungen/rs20100302_1bvr025608.html).

The financial cost of data retention is considerable. In 2007 the Commission estimated that the one-off set-up cost (without follow-on costs) for all Member States was EUR 614 833 187. The set-up cost for EU airlines (not counting airlines from third countries) would be EUR 11 647 116, with annual operating costs of EUR 2 250 080 with PUSH twice per passenger.

The rapporteur proposes calling on the Commission to undertake a study into the costs and proposing action where necessary.

In order to guarantee the proportionality of the Directive, the rapporteur proposes reducing its scope:

- The analysis of PNR data must be undertaken solely for the prevention, detection, investigation and prosecution of terrorist offences. These terrorist offences must be more rigidly defined and limited to the situations set out in Article 1 of Framework Decision 2002/475/JI. There is no need to include the offences set out in Articles 2 to 4 of the Framework Decision, as the term ‘prevention’ of a terrorist offence covers the preparations for and organisation, etc., of such an act.
- Passenger data should not be analysed in connection with ‘serious crime’ as referred to in the draft, since the definition given of ‘serious crime’ is far too broad. It includes ‘everyday’ offences such as fraud and also ‘minor offences’, which the Commission is also of the view that it would be disproportionate to include (see Article 2(h)).
- In addition, the methods used for data processing should be more precisely defined (Article 4).
- The transfer of data (Articles 7 and 8) should be limited to cases in which this is necessary for the prevention, detection, investigation and prosecution of a specific terrorist offence and should, where third countries are involved, be conditional on the provision of appropriate data protection guarantees.
- The retention period should be considerably reduced. The proposed retention period of 30 days takes the above concerns regarding fundamental rights into consideration and should be sufficient for cases of serious suspicion or urgent suspicion. Older data can be accessed at any time by national authorities from the information retained for several months by airlines or reservation systems, as long as there is reasonable suspicion and the procedures comply with the principles of the rule of law. This requires no new legal basis.
- The rights of passengers concerning the security and confidentiality of data and to access, rectification, erasure and blocking, and the right to compensation and judicial redress need to be reinforced. In particular the right of access, severely limited in the Framework Directive, must be improved. The rapporteur proposes applying the internal rules based on Directive 95/46/EC to PNR data processing, even if the Directive in question does not in principle apply to police and judicial cooperation

between Member States (see Article 3 of the Directive). Ultimately a solution to the question of data protection is necessary for the areas of justice and home affairs as a result of the Lisbon Treaty coming into force.

- Only data required for the purposes of the Directive should be provided.

## AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a directive

##### Recital 4

*Text proposed by the Commission*

(4) Council Directive 2004/82/EC of 29 April 2004 on the obligation of air carriers to communicate passenger data regulates the transfer of advance passenger information by air carriers to the competent national authorities for the purpose of improving border controls and combating *irregular* immigration.

*Amendment*

(4) Council Directive 2004/82/EC of 29 April 2004 on the obligation of air carriers to communicate passenger data regulates the transfer of advance passenger information by air carriers to the competent national authorities for the purpose of improving border controls and combating *illegal* immigration.

### Amendment 2

#### Proposal for a directive

##### Recital 5

*Text proposed by the Commission*

(5) PNR data *are necessary* to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

*Amendment*

(5) PNR data *may be a useful means* to effectively prevent, detect, investigate and prosecute terrorist offences and *certain types of* serious crime *of a transnational nature* and thus enhance internal security.

*Justification*

*"Serious transnational crime", especially trafficking in human beings, illicit drugs trafficking and illicit arms trafficking, are also relevant and serious crime types, the prevention of which may be helped by the use of PNR data. By narrowing the scope of the Directive by deleting "serious crime", the use of PNR data is focused on the cross-border offences where this data is most relevant and effective.*

### Amendment 3

#### Proposal for a directive

##### Recital 6

*Text proposed by the Commission*

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to **construct** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

*Amendment*

(6) PNR data **can** help law enforcement authorities prevent, detect, investigate and prosecute serious **transnational** crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to **find the necessary** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

### Amendment 4

#### Proposal for a directive

##### Recital 7

*Text proposed by the Commission*

***(7) PNR data enable law enforcement authorities to identify persons who were previously "unknown", i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence***

*Amendment*

***deleted***

*the type of the data being processed.*

#### *Justification*

*The Rapporteur proposes to limit the use of PNR data of all passengers to the objective of prevention, detection, investigation and prosecution of terrorist offences by comparing with databases in particular on persons sought (Article 4 point b) or at the request of competent authorities in specific cases (Article 4 point c).*

#### **Amendment 5**

##### **Proposal for a directive**

##### **Recital 11**

###### *Text proposed by the Commission*

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

###### *Amendment*

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers. ***Where air carriers do not routinely capture data in the normal course of business for commercial purposes, they should not be required to develop processes to capture such data.***

#### **Amendment 6**

##### **Proposal for a directive**

##### **Recital 12**

###### *Text proposed by the Commission*

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism . The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA ***of 13 June 2002 on the European Arrest Warrant and the surrender procedure***

###### *Amendment*

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism . The definition of serious ***transnational*** crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the ***United Nations Convention against Transnational***

*between Member States. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.*

*Organized Crime.* Member States *must* exclude those offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

## Amendment 7

### Proposal for a directive Recital 14

#### *Text proposed by the Commission*

(14) The contents of *any lists of required* PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of *citizens*, notably privacy and the protection of personal data. Such *lists* should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

#### *Amendment*

(14) The contents of PNR data to be obtained by the Passenger Information Unit *listed in the Annex to this Directive* should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of *persons*, notably privacy and the protection of personal data. Such *data* should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

#### *Justification*

*The word 'required' in the English version could be confusing, since air carriers collect PNR data from among the data collected in the normal course of their business. They should not be forced to obtain or retain any additional passenger data, nor should any obligation be placed*

on passengers to provide any more data than air carriers would normally request in the normal course of their business.

## Amendment 8

### Proposal for a directive

#### Recital 15

##### *Text proposed by the Commission*

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier’s reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the **required** PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method **is considered to offer** a higher degree of data protection and should be mandatory for all air carriers.

##### *Amendment*

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier’s reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method **offers** a higher degree of data protection and should **become** mandatory, **two years after the entry into force of this Directive**, for all air carriers **which already collect and process PNR data for commercial purposes and operate international flights to or from the territory of the Member States. Should PNR data be handled by Computerised Reservation Service (CRS) operators, the Code of Conduct for CRS (Regulation (EC) No. 80/2009 of the European Parliament and of the Council) applies.**

## Amendment 9

### Proposal for a directive

#### Recital 17

##### *Text proposed by the Commission*

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should

##### *Amendment*

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should



be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. *Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.*

be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data.

#### *Justification*

*It may sometimes be the case that the responsibility does not lie with the air carriers, but with the third countries that do not provide the PNR data that they have. Penalties ought to be dissuasive, effective and proportionate, as the first part of the recital stipulates. The second part of the recital might be deemed to be disproportionate or to contradict the first part, which covers all types of penalties.*

#### **Amendment 10**

##### **Proposal for a directive Recital 20**

###### *Text proposed by the Commission*

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law

###### *Amendment*

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious ***transnational*** crime ***as defined in this Directive***. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such

enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

## **Amendment 11**

### **Proposal for a directive**

#### **Recital 21**

##### *Text proposed by the Commission*

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are *anonymised* and only accessible under very strict and limited conditions.

##### *Amendment*

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are *depersonalised* and only accessible under very strict and limited conditions.

## **Amendment 12**

### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision

##### *Amendment*

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision 2008/977/JHA') *and Directive 95/46/EC*

2008/977/JHA’).

*of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup>.*

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<sup>1</sup>*OJ L 281, 23.11.95, p.31.*

*Justification*

*Given that data of all air passengers are collected, the highest level of data protection standards should apply.*

**Amendment 13**

**Proposal for a directive**

**Recital 24**

*Text proposed by the Commission*

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA.

*Amendment*

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA **and Directive 95/46/EC.**

*Justification*

*Given that data of all air passengers are collected, the highest level of data protection standards should apply.*

**Amendment 14**

**Proposal for a directive**

**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

**(25a) Member States should ensure that the costs arising from measures taken to use PNR data are not passed on to passengers.**

## Amendment 15

### Proposal for a directive Recital 28

*Text proposed by the Commission*

*Amendment*

***(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.***

*deleted*

#### *Justification*

*In order to provide legal certainty both for passenger's data protection and operators' economic interests, Member States should not collect other PNR data than those defined in this Regulation.*

## Amendment 16

### Proposal for a directive Recital 28 b (new)

*Text proposed by the Commission*

*Amendment*

***(28 b) The transmission of PNR data should be limited to cases where it is indispensable for the prevention and detection of specific terrorist offences, the conduct of investigations and the resultant legal proceedings and, where third countries are involved, only if equivalent data protection safeguards are in place;***

## Amendment 17

### Proposal for a directive Recital 32

#### *Text proposed by the Commission*

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must **be anonymised** after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

#### *Amendment*

(32) In particular, the scope of the Directive is as limited as possible: it allows retention of PNR data for period of time not exceeding **three months** after which the data must be deleted; the data must after a very short period **be masked out and made inaccessible except for a very limited and restricted number of authorised personnel**, and the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

## Amendment 18

### Proposal for a directive Article 1 – paragraph 2 – point a

#### *Text proposed by the Commission*

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to **Article 4(2)(b) and (c); and**

#### *Amendment*

(a) The prevention, detection, investigation and prosecution of terrorist offences and **certain types of serious transnational crime as defined in point (i) of Article 2 and** according to **Article 4(2);**

**Amendment 19**

**Proposal for a directive  
Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).***

***deleted***

*Justification*

*Covered under amended Article 1.2(a)*

**Amendment 20**

**Proposal for a directive  
Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. PNR data collected in accordance with this Directive may not be processed for minor offences which are punishable by a custodial sentence or a detention order for a maximum period of less than three years under the national law of a Member State.***

**Amendment 21**

**Proposal for a directive  
Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. This Directive shall not apply to flights within the Union or to means of transport other than airplanes.***

**Amendment 22**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country, ***including in both cases any transfer or transit flights***;

*Amendment*

(b) ‘international flight’ means any scheduled or non-scheduled flight by an air carrier planned to land on the territory of a Member State originating in a third country or to depart from the territory of a Member State with a final destination in a third country;

*Justification*

*Including transit and transfer flights means adding EU internal flights under the scope of the Directive.*

*1) S'agissant des vols de transfert: étant donné que les transmissions PNR concernent la totalité des vols et non les passagers, les demandes visant à inclure les vols de transfert équivalent à demander des transmissions PNR pour pratiquement tous les vols intra communautaires. 2) S'agissant des vols de transit: les données PNR sont envoyées aux autorités des aéroports d'où les passagers débarquent de vols, (et non les autorités des aéroports de transit, où par définition, les passagers "n'atterrissent" pas dans les contrôles de l'immigration). L'itinéraire d'un passager ne correspondra pas toujours au point de transit, ainsi cette clause ne permet pas de satisfaire le système des conditions de demande.*

**Amendment 23**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same functionalities;

*Amendment*

(c) ‘Passenger Name Record’ or ‘PNR data’ means a record of each passenger’s travel requirements, ***captured and electronically retained by the air carriers in their normal course of business***, which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, Departure Control Systems (DCS) or equivalent systems providing the same

functionalities;

*Justification*

*To avoid adding costly burdens on air carriers, which in turn would translate into costs for passengers/consumers.*

**Amendment 24**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) ‘push method’ means the method whereby air carriers transfer ***the required*** PNR data into the database of the authority requesting them;

*Amendment*

(f) ‘push method’ means the method whereby air carriers transfer ***their collected*** PNR data ***listed in the Annex to this Directive*** into the database of the authority requesting them;

**Amendment 25**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) ‘pull method’ means the method whereby the requesting authority accesses the database of the airline’s reservation system directly and extracts passengers’ data from it;***

*Justification*

*The ‘pull’ system should be defined, since the Commission proposal refers to it more than once.*

**Amendment 26**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point h**



*Text proposed by the Commission*

*Amendment*

**(h) ‘serious crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, however, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality;**

**deleted**

#### **Amendment 27**

##### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point i – introductory part**

*Text proposed by the Commission*

*Amendment*

(i) ‘serious transnational crime’ means the offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

(i) ‘serious transnational crime’ means the **following** offences under national law referred to in Article 2(2) of Council Framework Decision 2002/584/JHA: **trafficking in human beings, illicit trafficking in narcotic drugs and illicit trafficking in weapons, munition and explosives**, if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State, and if:

#### **Amendment 28**

##### **Proposal for a directive**

##### **Article 3 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Each Member State shall set up or designate an authority competent for the

1. Each Member State shall set up or designate an authority competent for the

prevention, detection, investigation or prosecution of terrorist offences and serious crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

prevention, detection, investigation or prosecution of terrorist offences and serious ***transnational*** crime or a branch of such an authority to act as its ‘Passenger Information Unit’ responsible for collecting PNR data from the air carriers, storing them, analysing them and transmitting the result of the analysis to the competent authorities referred to in Article 5. Its staff members may be seconded from competent public authorities.

## **Amendment 29**

### **Proposal for a directive Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. The storage, processing and analysis of PNR data relating to passengers on international flights shall be carried out exclusively within the territory of the Union. The law applicable to these procedures shall therefore be Union law on personal data protection;***

## **Amendment 30**

### **Proposal for a directive Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Member States shall bear the costs of collecting, processing and forwarding PNR data.***

## **Amendment 31**

### **Proposal for a directive Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) carrying out an assessment of the passengers prior to their scheduled arrival or departure from the Member State in order to identify any persons who may be involved in a terrorist offence or serious transnational crime and who require further examination by the competent authorities referred to in Article 5. In carrying out such an assessment, the Passenger Information Unit may process PNR data against pre-determined criteria. Member States shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;***

***deleted***

## **Amendment 32**

### **Proposal for a directive Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) carrying out an assessment of the passengers*** prior to their scheduled arrival or departure from the Member State ***in order to identify any persons who may be involved*** in a terrorist offence or serious crime ***and who require further examination by the competent authorities referred to in Article 5.*** In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States shall ensure

***(b) further assessment – which may be carried out*** prior to their scheduled arrival or departure from the Member State ***by the competent authorities referred to in Article 5 – of passengers in respect of whom there are factual grounds for suspicion of involvement*** in a terrorist offence or serious ***transnational*** crime. In carrying out such an assessment the Passenger Information Unit may compare PNR data against relevant databases, including international or national databases or national mirrors of Union databases, where they are established on the basis of Union law, on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such files. Member States

that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

shall ensure that any positive match resulting from such automated processing is individually reviewed by non-automated means in order to verify whether the competent authority referred to in Article 5 needs to take action;

### **Amendment 33**

#### **Proposal for a directive**

#### **Article 4 – paragraph 2 – point c**

##### *Text proposed by the Commission*

(c) responding, on a case-by-case basis, to duly reasoned requests from competent authorities to provide PNR data and process PNR data in specific cases for the purpose of prevention, detection, investigation and prosecution of a terrorist offence or serious crime, and to provide the competent authorities with the results of such processing; and

##### *Amendment*

(c) responding, on a case-by-case basis, to duly reasoned requests from competent authorities to provide PNR data and process PNR data in specific cases for the purpose of prevention, detection, investigation and prosecution of a terrorist offence or serious **transnational** crime, and to provide the competent authorities with the results of such processing; and

### **Amendment 34**

#### **Proposal for a directive**

#### **Article 4 – paragraph 2 – point d**

##### *Text proposed by the Commission*

***(d) analysing PNR data for the purpose of updating or creating new criteria for carrying out assessments in order to identify any persons who may be involved in a terrorist offence or serious transnational crime pursuant to point (a).***

##### *Amendment*

***deleted***

### **Amendment 35**

#### **Proposal for a directive**

#### **Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The processing of PNR data may be authorised only by order of a competent court body of a Member State following application by the Passenger Information Unit. Only where the Passenger Information Unit identifies danger in delay ('periculum in mora') may it authorise such processing itself.***

### **Amendment 36**

#### **Proposal for a directive Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with ***points (a) and*** (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

4. The Passenger Information Unit of a Member State shall transfer the PNR data or the results of the processing of PNR data of the persons identified in accordance with ***point*** (b) of paragraph 2 for further examination to the relevant competent authorities of the same Member State. Such transfers shall only be made on a case-by-case basis.

### **Amendment 37**

#### **Proposal for a directive Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Each Member State shall adopt a list of the competent authorities entitled to request or receive PNR data or the result of the processing of PNR data from the Passenger Information Units in order to examine that information further or take appropriate action for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.

1. Each Member State shall adopt a list of the competent authorities entitled to request or receive PNR data or the result of the processing of PNR data from the Passenger Information Units in order to examine that information further or take appropriate action for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious ***transnational*** crime.

## Amendment 38

### Proposal for a directive Article 5 – paragraph 2

*Text proposed by the Commission*

2. Competent authorities shall consist of authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious crime.

*Amendment*

2. Competent authorities shall consist of authorities competent for the prevention, detection, investigation or prosecution of terrorist offences and serious **transnational** crime.

## Amendment 39

### Proposal for a directive Article 5 – paragraph 4

*Text proposed by the Commission*

4. The PNR data of passengers and the result of the processing of PNR data received by the Passenger Information Unit may be further processed by the competent authorities of the Member States only for the purpose of preventing, detecting, investigating or prosecuting terrorist offences or serious crime.

*Amendment*

4. The PNR data of passengers and the result of the processing of PNR data received by the Passenger Information Unit may be further processed by the competent authorities of the Member States only for the purpose of preventing, detecting, investigating or prosecuting terrorist offences or serious **transnational** crime.

## Amendment 40

### Proposal for a directive Article 6 – paragraph 1

*Text proposed by the Commission*

1. Member States shall adopt the necessary measures to ensure that air carriers transfer ('push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are **already** collected by them, to the database of the national Passenger Information Unit of the Member State on the territory of which the international flight will land or from the

*Amendment*

1. Member States shall adopt the necessary measures to ensure that air carriers **which already collect PNR data from their passengers** transfer (*i.e.* 'push') the PNR data as defined in Article 2(c) and specified in the Annex, to the extent that such data are collected by them **in their normal course of business**, to the database of the national Passenger Information Unit of the

territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data *to the Passenger Information Units of all the Member States concerned*.

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security:

a) 24 to 48 hours before the scheduled time for flight departure;

and

(b) immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

3. Member States *may* permit air carriers to limit the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2

Member State on the territory of which the international flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers, the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where the flight has one or more stop-overs at the airports of the Member States, air carriers shall transfer the PNR data *exclusively to the Passenger Information Unit of the Member State of final arrival*.

*1a. Member States shall not require air carriers to collect any PNR data that the air carriers do not already collect. Air carriers shall not transfer any PNR data other than those defined in Article 2(c) and specified in the Annex. Air carriers shall not be liable for the accuracy and completeness of data provided by passengers, except when they did not take reasonable care to ensure that the data collected from passengers were accurate and correct.*

2. Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the procedure of Articles 13 and 14 or, in the event of technical failure *of the air carriers*, by any other appropriate means ensuring an appropriate level of data security:

a) *once* 24 to 48 hours before the scheduled time for flight departure;

and

(b) *once* immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for further passengers to board.

3. Member States *shall* permit air carriers to limit the transfer referred to in point (b) of paragraph 2 to updates of the transfer referred to in point (a) of paragraph 2.

4. On a case-by-case basis, upon request from a Passenger Information Unit in accordance with national law, air carriers shall transfer PNR data where access earlier than that mentioned in point (a) of paragraph 2 is necessary to assist in responding to a specific and actual threat related to terrorist offences or serious crime.

4. On a case-by-case basis, upon request from a Passenger Information Unit in accordance with national law, air carriers shall transfer PNR data where access earlier than that mentioned in point (a) of paragraph 2 is necessary to assist in responding to a specific and actual threat related to terrorist offences or serious *transnational* crime.

#### **Amendment 41**

##### **Proposal for a directive Article 7**

###### *Text proposed by the Commission*

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with **Article 4(2)(a) and (b)**, the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data.

###### *Amendment*

1. Member States shall ensure that, with regard to persons identified by a Passenger Information Unit in accordance with **Article 4(2)(b)**, the result of the processing of PNR data is transmitted by that Passenger Information Unit to the Passenger Information Units of other Member States where the former Passenger Information Unit considers such transfer to be necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious *transnational* crime. ***Such transfers shall be strictly limited to the data necessary in a specific case for the prevention, detection, investigation or prosecution of a terrorist offence or serious transnational crime and shall be justified in writing.*** The Passenger Information Units of the receiving Member States shall transmit such PNR data or the result of the processing of PNR data to their relevant competent authorities.

2. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1), and, if necessary, also the result of the processing of PNR data.



The request for such data may be based on any one or a combination of data elements, as deemed necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious crime. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to **Article 4(2)(a) and (b)**.

3. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The Passenger Information Unit may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious crime.

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a specific investigation or prosecution of terrorist offences or serious crime and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other cases the competent

The request for such data **shall be strictly limited to the data necessary in the specific case. It** may be based on any one or a combination of data elements, as deemed necessary by the requesting Passenger Information Unit for a specific case of prevention, detection, investigation or prosecution of terrorist offences or serious **transnational** crime **and shall be justified in writing**. Passenger Information Units shall provide the requested data as soon as practicable and shall provide also the result of the processing of PNR data, if it has already been prepared pursuant to **Article 4(2)(b)**.

3. The Passenger Information Unit of a Member State shall have the right to request, if necessary, the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(2), and, if necessary, also the result of the processing of PNR data. The Passenger Information Unit may request access to specific PNR data kept by the Passenger Information Unit of another Member State in their full form without the masking out only in exceptional circumstances in response to a specific threat or a specific investigation or prosecution related to terrorist offences or serious **transnational** crime. **Such a request shall be justified in writing**.

4. Only in those cases where it is necessary for the prevention of an immediate and serious threat to public security may the competent authorities of a Member State request directly the Passenger Information Unit of any other Member State to provide it with PNR data that are kept in the latter's database in accordance with Article 9(1) and (2). Such requests shall relate to a specific investigation or prosecution of terrorist offences or serious **transnational** crime and shall be reasoned. Passenger Information Units shall respond to such requests as a matter of priority. In all other

authorities shall channel their requests through the Passenger Information Unit of their own Member State.

5. Exceptionally, where early access is necessary to respond to a specific and actual threat related to terrorist offences or serious crime, the Passenger Information Unit of a Member State shall have the right to request the Passenger Information Unit of another Member State to provide it with PNR data of flights landing in or departing from the latter's territory at any time.

6. Exchange of information under this Article may take place using any existing channels for international law enforcement cooperation. The language used for the request and the exchange of information shall be the one applicable to the channel used. Member States shall, when making their notifications in accordance with Article 3(3), also inform the Commission with details of the contacts to which requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

cases the competent authorities shall channel their requests through the Passenger Information Unit of their own Member State.

5. Exceptionally, where early access is necessary to respond to a specific and actual threat related to terrorist offences or serious **transnational** crime, the Passenger Information Unit of a Member State shall have the right to request the Passenger Information Unit of another Member State to provide it with PNR data of flights landing in or departing from the latter's territory at any time. ***Such requests shall be strictly limited to the data necessary in the specific case for the prevention, detection, investigation or prosecution of a terrorist offence or serious transnational crime and shall be justified in writing.***

6. Exchange of information under this Article may take place using any existing channels for **European and** international law enforcement cooperation, ***in particular Europol and national units under Article 8 of Council Decision 2009/371/JHA of 6 April 2009.*** The language used for the request and the exchange of information shall be the one applicable to the channel used. Member States shall, when making their notifications in accordance with Article 3(3), also inform the Commission with details of the contacts to which requests may be sent in cases of urgency. The Commission shall communicate to the Member States the notifications received.

#### *Justification*

*The personal data of all air passengers should not be exchanged routinely. Data exchange should be strictly limited, related to a specific case of prevention, detection, investigation or prosecution of terrorist offences and requests should be justified in writing to allow for verification.*

*Existing channels should be used for exchanging information. Europol should therefore be explicitly mentioned.*

## Amendment 42

### Proposal for a directive Article 8

#### *Text proposed by the Commission*

A Member State may transfer PNR data and the results of the processing of PNR data to a third country, only on a case-by-case basis and if:

- (a) the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled,
- (b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), and
- (c) the third country ***agrees to transfer*** the data ***to another third country*** only where it is necessary for the purposes of this Directive specified in Article 1(2) ***and only with the express authorisation of the Member State.***

#### *Amendment*

A Member State may transfer PNR data and the results of the processing of PNR data to a third country ***only on the basis of an international agreement between the Union and that third country***, only on a case-by-case basis and if:

***(-a) all the conditions set out in Article 7 are met, mutatis mutandis,***

- (a) the conditions laid down in Article 13 of Council Framework Decision 2008/977/JHA are fulfilled,
- (b) the transfer is necessary for the purposes of this Directive specified in Article 1(2), and
- (c) the third country ***guarantees that it will use*** the data only where it is necessary for the purposes of this Directive specified in Article 1(2). ***Transfer by that third country to another third country shall be prohibited.***
- (d) the third country allows Union citizens, without excessive delay or expense, the same rights of access, rectification, erasure and compensation with regard to the PNR data as apply in the Union,***
- (e) the third country ensures an adequate and comparable level of protection for PNR data.***

#### *Justification*

*PNR data should be transmitted to third countries only if sufficient data protection is guaranteed.*

## Amendment 43

### Proposal for a directive Article 9 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***2. Upon expiry of the period of 30 days after the transfer of the PNR data to the Passenger Information Unit referred to in paragraph 1, the data shall be retained at the Passenger Information Unit for a further period of five years. During this period, all data elements which could serve to identify the passenger to whom PNR data relate shall be masked out. Such anonymised PNR data shall be accessible only to a limited number of personnel of the Passenger Information Unit specifically authorised to carry out analysis of PNR data and develop assessment criteria according to Article 4(2)(d). Access to the full PNR data shall be permitted only by the Head of the Passenger Information Unit for the purposes of Article 4(2)(c) and where it could be reasonably believed that it is necessary to carry out an investigation and in response to a specific and actual threat or risk or a specific investigation or prosecution.***

*deleted*

#### *Justification*

*Storing all PNR data for longer periods of time even without any initial suspicion is disproportionate. National constitutional courts in several rulings on telecommunications data retention as based on directive 2006/24/EC as well as the ECHR in its ruling on retention of DNA samples (S. and Marper vs UK) have made this clear and have also warned that the cumulative effects of retention of several types data may be close to the absolute constitutional threshold. Neither the Legal Service of the Council nor the EU Fundamental Rights Agency have been convinced by the necessity and proportionality of the retention of data about all passengers.*

## Amendment 44

### Proposal for a directive Article 9 – paragraph 3

*Text proposed by the Commission*

3. Member States shall ensure that the PNR data are deleted upon expiry of the period specified in **paragraph 2**. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or **prosecutions**, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State.

*Amendment*

3. Member States shall ensure that the PNR data are deleted upon expiry of the period specified in **paragraph 1**. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or **prosecution actions targeted at a particular person or a particular group of persons**, in which case the retention of such data by the competent authority shall be regulated by the national law of the Member State.

*Justification*

*The obligation to delete data after five years should be final. The exception provided here makes sense, but it should be made clear that retaining the data after the five years have elapsed may be permitted only in the case of criminal investigations into a particular person or a particular group of people. 'Specific criminal investigations or prosecutions', which is the wording used in the Commission proposal, could affect any number of people.*

## Amendment 45

### Proposal for a directive Article 9 – paragraph 4

*Text proposed by the Commission*

The result of matching referred to in **Article 4(2)(a) and (b)** shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, **it shall, however, be stored so as to avoid future 'false' positive matches for a maximum period of three years unless the**

*Amendment*

The result of matching referred to in **Article 4(2)(b)** shall be kept by the Passenger Information Unit only as long as necessary to inform the competent authorities of a positive match. Where the result of an automated matching operation has, further to individual review by non-automated means, proven to be negative, the underlying data **shall be corrected or deleted in the relevant database.**

*underlying data have not yet been deleted in accordance with paragraph 3 at the expiry of the five years, in which case the log shall be kept until the underlying data are deleted.*

#### **Amendment 46**

##### **Proposal for a directive Article 10 – paragraph 1**

###### *Text proposed by the Commission*

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers *which, do* not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format or otherwise infringe the national provisions adopted pursuant to this Directive.

###### *Amendment*

Member States shall ensure, in conformity with their national law, that dissuasive, effective and proportionate penalties, including financial penalties, are provided for against air carriers *which do* not transmit the data required under this Directive, to the extent that they are already collected by the them, or do not do so in the required format ***prescribed by the ICAO guidelines on PNR*** or otherwise infringe the national provisions adopted pursuant to this Directive. ***No penalties shall be imposed on air carriers when the authorities of a third country do not allow them to transfer PNR data.***

###### *Justification*

*The required format must be the format agreed world-wide and recognised by the ICAO (Doc 9944) and the World Customs Organisation.*

*This clarification is necessary because legislation on data transfer differs in third countries.*

#### **Amendment 47**

##### **Proposal for a directive Article 11 – paragraph 2**

###### *Text proposed by the Commission*

2. Each Member State shall provide that the provisions adopted under national law in implementation of Articles 21 and 22 of

###### *Amendment*

2. Each Member State shall provide that the provisions adopted under national law in implementation of Articles 21 and 22 of

the Council Framework Decision 2008/977/JHA regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive

the Council Framework Decision 2008/977/JHA regarding confidentiality of processing and data security shall also apply to all processing of personal data pursuant to this Directive. ***Air carriers that obtain passenger contact details from travel agencies shall not be permitted to use them for commercial purposes.***

## Amendment 48

### Proposal for a directive Article 11 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where provisions adopted under national law in implementation of Directive 95/46/EC provide the passenger with greater rights of access, rectification, erasure and blocking of the data, of compensation, of judicial redress, of confidentiality of processing and of data security than the provisions referred to in paragraphs 1 and 2, those provisions shall apply.***

*Justification*

*Certain data subjects' rights are more appropriately addressed in Directive 95/46/EC, in particular, requirements for information to the data subject.*

## Amendment 49

### Proposal for a directive Article 11 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Any processing of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit they shall be deleted immediately.

3. Any processing ***by Passenger Information Units*** of PNR data revealing a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life shall be prohibited. In the event that PNR data revealing such information are received by the Passenger Information Unit

they shall be deleted immediately.

*Justification*

*Screening or processing PNR in connection with the prevention, detection and investigation of terrorist offences and of other serious criminal offences is the responsibility of the Passenger Information Units, not the airlines.*

*Air carriers have this information as it is provided to them by the passengers.*

**Amendment 50**

**Proposal for a directive  
Article 11 – paragraph 4**

*Text proposed by the Commission*

4. All processing of PNR data **by air carriers**, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

*Amendment*

4. All processing of PNR data, all transfers of PNR data by Passenger Information Units and all requests by competent authorities or Passenger Information Units of other Member States and third countries, even if refused, shall be logged or documented by the Passenger Information Unit and the competent authorities for the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of data processing, in particular by the national data protection supervisory authorities. These logs shall be kept for a period of five years unless the underlying data have not yet been deleted in accordance with Article 9(3) at the expiry of those five years, in which case the logs shall be kept until the underlying data are deleted.

*Justification*

*This paragraph refers to PNR data that have been transferred to Passenger Information Units, not to PNR data held by air carriers.*

**Amendment 51**

**Proposal for a directive  
Article 11 – paragraph 4 a (new)**



***4a. A particularly high security standard shall be used for the protection of all data, geared to the latest developments in expert discussions on data protection, and constantly updated to include new knowledge and insights. Economic aspects shall be taken into account as a secondary concern at most when the relevant decisions on the security standards to be applied are taken.***

***In particular, a state of the art encryption process shall be used which:***

- ensures that data-processing systems cannot be used by unauthorised persons;***
- ensures that authorised users of a data-processing system can access no data other than those to which their access right refers, and that personal data cannot be read, copied, changed or removed without authorisation when being processed or used and after retention;***
- ensures that personal data cannot be read, copied, changed or removed without authorisation when being electronically transmitted or during transport or saving to a storage medium, and ensures that it is possible to check and establish to which locations personal data are to be transferred by data transmission facilities.***

***The possibility of retrospectively checking and establishing whether and by whom personal data have been entered in data-processing systems, changed or removed shall be guaranteed.***

***It shall be guaranteed that personal data processed under contract may be processed only in accordance with the contracting entity's instructions.***

***The protection of personal data against accidental destruction or loss shall be guaranteed.***

*The possibility of processing data collected for different purposes separately shall be guaranteed.*

## **Amendment 52**

### **Proposal for a directive Article 11 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall ensure that air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform passengers of international flights at the time of booking a flight and at the time of purchase of a ticket in a clear and precise manner about the provision of PNR data to *the* Passenger Information *Unit*, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious crime, the possibility of exchanging and sharing such data and their data protection rights, *in particular* the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

*Amendment*

5. Member States shall ensure that that air carriers, their agents or other ticket sellers for the carriage of passengers on air service inform passengers of international flights at the time of booking a flight and at the time of purchase of a ticket in a clear and precise manner about the provision of PNR data to Passenger Information *Units*, the purposes of their processing, the period of data retention, their possible use to prevent, detect, investigate or prosecute terrorist offences and serious *transnational* crime, the possibility of exchanging and sharing such data and their data protection rights, *such as the right to access, correct, erase and block data, and* the right to complain to a national data protection supervisory authority of their choice. The same information shall be made available by the Member States to the public.

*Justification*

*The aim is to clarify personal data protection measures.*

## **Amendment 53**

### **Proposal for a directive Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

*Costs*

*By... \* the Commission shall submit a*

*report on the financial impact of this Directive to the European Parliament and the Council. The report shall focus in particular on the costs incurred by passengers, air carriers and ticket sellers. If appropriate, the report shall be accompanied by a legislative proposal aimed at harmonising the division of the financial burden between public authorities and air carriers across the Union.*

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*\* OJ : please insert date: 2 years after the date of entry into force of this Directive.*

#### *Justification*

*The issue of costs should be addressed in the Regulation.*

#### **Amendment 54**

##### **Proposal for a directive Article 15**

###### *Text proposed by the Commission*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest two years after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

###### *Amendment*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest two years after the entry into force of this Directive. ***When Member States adopt those provisions they shall do so in line with the general principles of Union law and the requirements of necessity and proportionality.*** They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

## **Amendment 55**

### **Proposal for a directive Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Upon the date referred to in Article 15(1), i.e. two years after the entry into force of this Directive, Member States shall ensure that the PNR data of at least 30% of all flights referred to in Article 6(1) are collected. Until two years after the date referred to in Article 15, Member States shall ensure that the PNR data from at least 60 % of all flights referred to in Article 6(1) are collected. Member States shall ensure that from four years after the date referred to in Article 15, the PNR data from all flights referred to in Article 6(1) are collected.*

*deleted*

## **Amendment 56**

### **Proposal for a directive Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*a) review the feasibility and necessity of including internal flights in the scope of this Directive, in the light of the experience gained by those Member States that collect PNR data with regard to internal flights. The Commission shall submit a report to the European Parliament and the Council within two years after the date mentioned in Article 15(1);*

*deleted*

## **Amendment 57**

### **Proposal for a directive Article 18 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious crime according to Article 4(2) and the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination.

*Amendment*

1. Member States shall prepare a set of statistical information on PNR data provided to the Passenger Information Units. Such statistics shall as a minimum cover the number of identifications of any persons who may be involved in a terrorist offence or serious **transnational** crime according to Article 4(2) and the number of subsequent law enforcement actions that were taken involving the use of PNR data per air carrier and destination.

**Amendment 58**

**Proposal for a directive  
Annex 1 – point 12**

*Text proposed by the Commission*

(12) **General remarks (including all available information on unaccompanied minors under 18 years, such as name and gender of the minor, age, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent)**

*Amendment*

(12) available information on unaccompanied minors under 18 years

## PROCEDURE

<b>Title</b>	Use of Passenger Name Record data (EU PNR)		
<b>References</b>	COM(2011)0032 – C7-0039/2011 – 2011/0023(COD)		
<b>Committee responsible</b> Date announced in plenary	LIBE 14.2.2011		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	TRAN 14.2.2011		
<b>Rapporteur(s)</b> Date appointed	Eva Lichtenberger 21.3.2011		
<b>Discussed in committee</b>	11.7.2011	10.10.2011	21.11.2011
<b>Date adopted</b>	22.11.2011		
<b>Result of final vote</b>	+: 25	–: 15	0: 1
<b>Members present for the final vote</b>	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Philippe De Backer, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Jaromír Kohlíček, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Debora Serracchiani, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Thomas Ulmer, Peter van Dalen, Dominique Vlasto, Artur Zasada, Roberts Zīle		
<b>Substitute(s) present for the final vote</b>	Philip Bradbourn, Michel Dantin, Dominique Riquet, Laurence J.A.J. Stassen, Sabine Wils		
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Pablo Zalba Bidegain		

## PROCEDURE

<b>Title</b>	Use of Passenger Name Record data (EU PNR)			
<b>References</b>	COM(2011)0032 – C7-0039/2011 – 2011/0023(COD)			
<b>Date submitted to Parliament</b>	2.2.2011			
<b>Committee responsible</b> Date announced in plenary	LIBE 14.2.2011			
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 14.2.2011	TRAN 14.2.2011		
<b>Rapporteur(s)</b> Date appointed	Timothy Kirkhope 16.3.2011			
<b>Discussed in committee</b>	16.6.2011	13.7.2011	7.11.2011	27.2.2012
	25.4.2012	24.4.2013		
<b>Date adopted</b>	24.4.2013			
<b>Result of final vote</b>	+: -: 0:	30 25 0		
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Roberta Angelilli, Edit Bauer, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Carlos Coelho, Ioan Enciu, Cornelia Ernst, Monika Flašíková Beňová, Hélène Flautre, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Livia Járóka, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Monica Luisa Macovei, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Anthea McIntyre, Nuno Melo, Louis Michel, Claude Moraes, Antigoni Papadopoulou, Georgios Papanikolaou, Jacek Protasiewicz, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Nils Torvalds, Wim van de Camp, Axel Voss, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra			
<b>Substitute(s) present for the final vote</b>	Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Monika Hohlmeier, Hubert Pirker, Raúl Romeva i Rueda, Manfred Weber			
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Philip Bradbourn, Jörg Leichtfried, Sabine Lösing, Britta Reimers, Olle Schmidt			
<b>Date tabled</b>	29.4.2013			