

Minor Interpellation by the Member of the Bundestag Andrej Hunko, further Members of the Bundestag and the Left Party parliamentary group.

Agreements on the transfer of passenger data with Russia, Mexico, United Arab Emirates and South Korea and threatened flight bans

Bundestag printed paper 18/1441

Preliminary remarks of the questioners:

Since last year, the Russian Transport Ministry has been negotiating with the European Union on the transfer of air passenger data: prior to each flight in or over Russian territory the competent border authorities want personal information on the passengers on board. The EU has already concluded a similar agreement with the US, Australia and Canada (http://www.unwatched.org/EDRigram_10.5_Erste_Abstimmung_im_EU_Parlament_ueber_PNR-Abkommen_mit_den_USA). The passenger data records transferred for the purposes of “counterterrorism” (“Passenger Name Records”, PNR) are extensive: they are said to contain around 60 individual pieces of information (<https://netzpolitik.org/2012/vorratsdatenspeicherung-von-fluggastdaten-jetzt-auch-in-europa/>): In addition to personal data, the travel agents used, postal and e-mail addresses, payment method, in-flight dietary preferences or even hotel reservations for stop-overs are recorded. If the information is not transmitted as stipulated, the airlines face the threat of having their landing permission or fly-over rights revoked. Returning to the initial airport entails high costs, so the airlines fall over themselves to cooperate with the US border authorities. At Frankfurt airport the US has even set up a Homeland Security Department outpost, which “advises” airlines on refusing to board some passengers. (Printed paper 17/6654).

The fact that now the Russian government is also threatening to impose flight bans already caused anger last summer at the EU-Russia summit (article in the *Süddeutsche Zeitung* newspaper, 3 June 2013). The Ministry of Transport issued a decree aiming to force PNR data to be transferred and which was to enter into force on 1 July 2013. The scope of this was not only to extend to air travel but also to boat, rail or bus passengers. If, like with Canada, Australia and the US, extensive PNR data is being demanded, a corresponding data exchange agreement is needed.

The government in Moscow has relented for the time being however (<http://www.nopnr.org/die-geister-die-ich-rief-russland-hat-ab-1-dezember-zugriff-auf-teile-der-fluggastdaten/>): The extensive PNR data is only to become binding once a corresponding PNR agreement has been concluded with the EU. To date, however, the European Commission has not been granted a negotiation mandate on this, so an agreement could only be expected to be concluded several years from now. But Russia does not want to completely renounce data exchange: instead since December the Transport Ministry has been demanding API data (“Advanced Passenger Information”) for flights over or landing on its territory. This means name, address, date of birth and information on the travel documents. The transfer of bus, boat and rail travel data is to continue to be binding.

Apart from Russia, Mexico, the United Arab Emirates and South Korea are also demanding PNR data and are threatening to impose flight-bans soon if their demands are not met. In the view of the questioners, however, all already concluded PNR agreements and those to be negotiated in the future are also affected by the latest ECJ ruling on data retention. This also holds true for the planned implementation of an EU PNR Directive. PNR data records contain extensive personal data –

requiring limits to be set for the processing of this data by police forces and intelligence services. This applies in particular to extending the purpose of collection originally defined if some governments not only want to use the data for “counterterrorism” but also for the prosecution of other forms of crime.

Preliminary remarks

The European Union (EU) has signed agreements on the transfer of passenger data (“PNR Agreements”) with the US (see Council Document 17434/11), Australia (see Council Document 10093/11) and Canada (see Council Document 12657/13). None of the agreement texts oblige the airlines to transfer extensive air passenger records for all passengers (“Passenger Name Records”, PNR) to the authorities of the country party to the agreement. Rather, it is always only the PNR data that the airlines already collect anyway that has to be provided; the agreements therefore do not give rise to any obligation for the airlines to collect additional PNR data. This means, for instance, that airlines are not obliged to transfer any credit card data if the passenger has paid for his or her ticket in cash.

There have been no negotiations with Russia to date on a PNR Agreement. There is, however, Russian legislation stipulating the transfer of PNR data to Russian bodies, which is not being implemented yet though (see answer to question 1) and which has already been the subject of discussions with Russia on several occasions (see answer below to the questions 1 b and c, and 3a). It is also not correct that Russia has been demanding API data for flights over its territory since as far back as 1 December 2013. The obligation to transfer data on Advanced Passenger Information (API data) to the relevant Russian authorities currently only applies in practice for flights from and to Russia (see also answer to question 1 a).

The answers to a large number of questions of this Minor Interpellation are already provided in the telegraphic reports by the Permanent Representation of the Federal Republic of Germany to the European Union in Brussels, for instance on the meetings of the JAIEX Council working party on 13 February 2014, of CATS on 25 February 2014 and of the justice and home affairs policy officers, which are available to the Bundestag. The Federal Government therefore refers the reader to the relevant telegraphic reports in its respective answers.

1. What knowledge does the Federal Government have of the Russian government notifying the European Union or individual Member States that it would be making the transfer of PNR air passenger data binding?

a) To the knowledge of the Federal Government, to what extent is it true that the government in Moscow has relented for the time being and announced that the transfer of PNR data is only to become binding once a corresponding agreement has been concluded with the EU, but that API data is already to be transferred?

b) To the knowledge of the Federal Government to what extent are talks taking place on this accordingly?

c) Who is taking part in these on each side and when did meetings take place for this purpose in 2012 and 2013?

d) To what extent were German authorities also involved in negotiations or talks to establish an EU position?

e) To the knowledge of the Federal Government to what extent is Russia's limitation to just API data the result of commitments in negotiations between the EU and Russia on relaxing conditions governing visas?

f) To what extent is it true that Germany in particular was responsible for breakthroughs in such talks?

On question 1

Directive no. 243 of the Ministry of Transport of the Russian Federation of 19 July 2012 sets out for the first time for passenger transport to Russia the obligation to transfer passenger data (API data [so flight and passport data] and PNR data [passenger name records, so also data from the airline reservation systems in addition]) to a new central Russian database. Its entry into force was postponed on 1 July 2013 to 1 December 2013 by Directive no. 228 of the Ministry of Transport of the Russian Federation on 1 July 2013. The new Russian passenger data system not only applies to flights, it also applies to long-distance rail travel and international travel with seagoing vessels and buses for which the providers in the past have not collected any passenger data and have just sold tickets to people travelling anonymously; here in particular the requirements are difficult to meet in reality.

For flights from and to Russia, since 1 December 2013 the airlines have been obligated pursuant to Russian Directive no. 243 to transmit API air passenger and crew data to Russia. The transfer of API data is in line with the corresponding provision in Annex 9 to the Chicago Convention and is already required by numerous other third countries. So in fact it is data which is actually already allowed to be collected at the time of entry as an entry requirement that is now being demanded ahead of time.

In addition to this, Russia had announced that as of 1 July 2014 it would be requiring API data for flights over Russian territory as well. API data for flights over Russian territory now do not have to be transferred until as of the end of 2014 however – according to information from the European Commission confirmed by the German Aviation Association and also by the IATA. In relation to PNR data, Russia – according to the information the European Commission provided to the justice and home affairs policy officers of the permanent representations of the Member States to the EU at an informal meeting at the European Commission on 30 January 2014 – had confirmed at a meeting with the European Commission on 16 January 2014, that PNR data was not to be required until a corresponding agreement had been reached between the EU and Russia.

b) and c)

Both the Federal Government and the European Commission have addressed the issue with Russia several times in 2013 and 2014 and asked for the Russian passenger data requirements to be postponed until the legal and practical problems have been solved.

The EU discussed the issue with Russia inter alia on the following occasions:

At the EU-Russia summit in Yekaterinburg in early June 2013, a European Commission “technical mission” in Russia was agreed upon. This commenced on 21 June 2013 and led to the entry into force of Russian Directive no. 243 being postponed to 1 December 2013.

- At the meeting of high-level civil servants on the topic of freedom, security and law on 23 September 2013 in Brussels, the EU side (European Commission and the Presidency) unilaterally declared the Russian PNR demands and data requirements for flights over Russia to be problematic.

- At the meeting between Director General Manservisi and the Russian Deputy Transport Minister on 16 January 2014, Russia confirmed inter alia that PNR data was not to be required until an according agreement had been reached between the EU and Russia.

- At the 17th meeting of the Permanent Partnership Council between the EU and Russia on the issues of freedom, security and law on 17 January 2014, the EU side made it clear that it would consider it disproportionate if the new Russian passenger data requirements were also to apply to flights over Russia and other modes of transport. Following the meeting, according to information from the European Commission, Russia confirmed that it did not intend (for the time being) to collect any PNR data.

Please refer to the answer to question 3 a on the talks conducted by representatives of the Federal Government.

d) and f)

Prior to all the said formal meetings of the European Commission and Russia (summit, high-level meeting at civil servant level, Permanent Partnership Council), the Federal Government was involved in the negotiations in the competent council bodies to define an EU position and repeatedly actively endeavoured to ensure the European Commission discussed all aspects of the issue with Russia (in particular the fact that pursuant to Russian Directive no. 243 for the first time other modes of transport are also required to transfer passenger data). Understandably, it is not possible to answer the question as to what extent the Federal Government’s efforts were responsible for the concessions secured from Russia.

e)

The Federal Government has no information on this.

2. What knowledge does the Federal Government have regarding the implementation of a decree on the transfer of passenger data issued by the Ministry of Transport?

a) What specific data or specific pieces of information are to be processed?

b) To what extent is the transfer of data prior to travel by bus, boat and rail also set forth as obligatory?

c) What knowledge does the Federal Government have on the question of to what extent the necessary infrastructure to process passenger data exists at Russian borders?

d) How long are transferred individual pieces of information from passenger data to be saved at Russian authorities?

e) To what extent is data about boat, rail or bus passengers also to be processed?

On 2

a) and b),e)

The passenger data system set forth in Directive no. 243 applies inter alia to the following modes of transport:

- domestic and international flights (PNR data (Passenger Name Records = data from the airline reservation systems) and API data (Advance Passenger Information = passport data is to be recorded) for all flights from, to and over Russia);
- long-distance rail travel;
- international travel with seagoing vessels and inland vessels
- and international travel by bus.

The personal data to be transferred to Russia's new central unit for passenger data pursuant to figure I.8. of Directive no. 243 includes:

- last name, first name, patronym;
- place and date of birth;
- personal ID type and number used to acquire the ticket,
- place of departure, destination, type of journey (direct, transit);
- date of travel.

To the Federal Government's knowledge, in practice Russia is currently refraining from demanding PNR data; it is merely demanding the following data from airlines for flights from and to Russia, but not for flights over Russia and for other forms of transport:

- document type,
- document number,
- expiry date of the document,
- nationality
- last name,
- first name,
- date of birth,
- sex,
- flight data (inter alia flight number, departure time, departure location, destination airport).

c)

The Federal Government has no knowledge of these/this.

d)

According to information provided by the European Commission at the meeting mentioned in the answer to question 1 a on 30 January 2014, Russia had shown its willingness at the meeting of the European Commission and Russia on 16 January 2014 to cut the originally planned storage period of 7 years to 3.5 years.

3. To the knowledge of the Federal Government, which other Russian legislative acts on the transfer of API or PNR data have been announced as in planning or have already taken place in 2014 and what is the content thereof?

a) To what extent have German authorities also conducted talks with Russian authorities on the subject of API or PNR data in 2013 or 2014?

b) What sanctions have the Russian authorities announced they will implement in the event of non-transfer of passenger data?

On 3.

The European Commission informed the Member States on 23 April 2014 that a revised version of the Russian legislative act no. 243 was expected in the days to come. To date, however, no revised legislative act has come into force.

a)

The following initiatives can be highlighted as examples for the Federal Government:

- The Federal Ministry of the Interior drew the attention of the Russian Embassy in Berlin to the legal and technical problems posed by the new Russian passenger data system on 30 April 2013 and asked for its entry into force to be postponed until these problems were resolved.

- Federal Minister Dr Westerwelle addressed the issue of PNR on 5/6 June 2013 with the Russian Foreign Minister Lavrov on the fringes of the Council of the Baltic Sea States and on 1 July 2013 with the Russian Duma Chairman Naryshkin during his visit to Berlin.

- Furthermore, there were several consultations between staff of the German Embassy in Moscow and the Russian Ministry of Transport.

b)

The Federal Government is not aware of threats of specific sanctions towards the EU; no official notice of sanctions has been given to date to the Federal Government. To the knowledge of the Federal Government, the Russian authorities have notified airlines that they will withdraw landing rights from them if they do not transfer the data. This has not happened, however, to the knowledge of the Federal Government as the airlines complied with the deadline of transferring data as of 1

December 2013. The Federal Government does not know when and to whom these announcements were made.

4. To the knowledge of the Federal Government, when and on whom did the Russian Government first threaten to impose flight bans in the event of the non-transfer of passenger data (article in the Süddeutsche Zeitung newspaper, 3 June 2013)?

5. To the knowledge of the Federal Government, when and on whom did the Russian Government last threaten to impose flight bans in the event of the non-transfer of passenger data?

On 4. and 5.

Please refer to the answer to question 3. b).

6. To what extent has the Russian position changed in the view of the Federal Government over the course of the crisis in Ukraine?

On 6.

To the knowledge of the Federal Government, since the meeting of the Permanent Partnership Council on 17 January 2014 there has been no further official contact on the issue of PNR between the European Commission and Russia. A meeting originally scheduled for March between the European Commission and Russia on the issue of flights over Russia did not take place. It remains to be seen whether the announced revised version of Russian Directive no. 243 reflects the pledges made by Russia at the Permanent Partnership Council on 17 January 2014 (see above).

7. To the knowledge of the Federal Government, to what extent is there talk at EU level of concluding a PNR agreement with Russia?

a) What knowledge does the Federal Government have of discussions regarding a negotiation mandate for the European Commission on a PNR agreement with Russia?

b) To what extent is there talk in consultations or negotiations with or without Russia of transferring passenger data beyond API information even before the conclusion of a PNR agreement, as already seen in the cases of Canada and the US?

c) According to the knowledge of the Federal Government and the current state of play to what extent is any temporary or final agreement on the transfer of passenger data (API or PNR) aspired to based on similar agreements the EU has already concluded with the US, Australia and Canada (please state points that are largely similar from the point of view of the Federal Government)?

On 7.

a)

To date, the European Commission has not submitted any draft for a mandate for the European Commission to negotiate a PNR agreement with Russia and has not stated any intention to do so either. Accordingly there is no discussion in the relevant Council bodies on such a mandate either.

b)

The Federal Government has no knowledge of talks with a view to transferring air passenger data records which go beyond API information to Russia without sufficient legal basis. The Federal Government also has no knowledge of whether in the case of the US or in the case of Canada air passenger data records were already transferred to the authorities there prior to the conclusion of the respective PNR agreements.

c)

Please refer to the answer to question 7a).

8. To the knowledge of the Federal Government, to what extent are there deliberations with a view to no longer confining the PNR agreements between the US, Canada or Australia and the EU to only “counterterrorism”, but instead to use the data exchanged to also combat other offences and which offences are these?

On 8.

The provisions restricting the use of data to specific purposes contained in the PNR agreements in force between the EU and the US and between the EU and Australia permit the use of PNR data for counterterrorism and to combat certain other offences defined specifically in the agreement in the respective case. There is also a similar provision restricting use to specific purposes in the agreement signed by Canada and the EU in 2013.

9. To the knowledge of the Federal Government, what was the “PNR Workshop on 26.-28.02.2014” (http://europa.eu/rapid/press-release_IP-13-1295_de.doc) exactly, what was the content thereof and who attended it?

a) If the agencies Europol and Eurojust or PNR partner countries like the US, Australia or Canada also took part, what reason is known to the Federal Government for this?

b) What was the content of any experiences regarding the PNR agreements with the EU reported by the US, Australia or Canada and to what extent does the Federal Government share the views conveyed here?

c) Which departments of which federal authorities took part in the conference and to did they also give presentations (please briefly outline the topics)?

d) To what extent were ISEC projects also dealt with?

e) To what extent was the possibility of extending the exchange of information under the PNR agreement with the US, Canada or Australia, for instance by opening up new channels for data transfer discussed at the conference?

f) In which areas would greater cooperation in this vein be desirable or useful and who presented proposals accordingly?

On 9.

Please refer to telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers in Brussels on 23 April 2014. At this meeting the European Commission reported on the outcomes of the “Workshop on the Launching of Passenger Name Record (PNR)

Projects in Member States" (26/27 February 2014) and the "Workshop on the Strengthening of Law Enforcement Cooperation under PNR Agreements between the EU and Third Countries" (28 February 2014).

Representatives from 26 Member States, from Canada, Australia and the US as well as Europol, Eurojust, the European Data Protection Supervisor, the European Union Agency for Fundamental Rights and representatives of the IATA and the World Customs Organization took part.

At the first workshop, Member States in receipt of funding from the EU's ISEC funding programme for national PNR projects (15 Member States in total) presented their projects relating to this, during which it became clear that not all Member States benefiting from support from the ISEC Funding Programme for PNR projects are already actually setting up PNR systems.

Representatives of the European Data Protection Supervisor and the European Union Agency for Fundamental Rights presented the data protection standards that a future EU PNR system would have to comply with.

A representative of the World Customs Organization gave an overview of the international rules on the issue of PNR and API.

Experts from the US, Australia, Canada and Great Britain gave general reports of their experiences of their own PNR systems.

At the second workshop, the European Commission also expressed the view, inter alia, that the exchange of information could be improved by a network of contact points; the European Commission therefore intended to make a list of Member State contact points available.

a)

The European Commission did not explicitly state what intentions it had in inviting Europol, Eurojust and the PNR partner countries US, Australia or Canada.

b)

The US, Australia and Canada did not talk specifically about their experiences of the PNR agreement with the EU; they merely presented their PNR systems generally without entering into operational details.

c)

Germany was represented by an employee of the Federal Ministry of the Interior, Directorate General on Federal Police Matters, and for part of the time also by an employee from the Permanent Representation of the Federal Republic of Germany to the EU, Home Affairs Division, but did not – like the other Member States who have not applied for ISEC funding for PNR projects – give a presentation of its own.

d) and e)

Please refer to the answer to question 9.

f)

The survey around the meeting table announced by the European Commission in the run-up to the workshop on the issue of what information the Member States expect from the US and Australia through the implementation of the reciprocity article in the PNR agreements with the EU did not take place, which meant that Germany did not make a statement on this either. Furthermore, please refer to the introductory answer to question 9.

10. What knowledge does the Federal Government have regarding endeavours by the European Commission to present a legislative proposal for a “unilateral instrument” for the transfer of PNR data to third countries?

- a) What type of legislative proposal is this meant to be in the view of the Federal Government?
- b) When are according proposals or preliminary papers meant to be presented?

On 10.

At the end of January 2014, the European Commission had announced that it would be presenting a communication (possibly in combination with a proposal for a regulation) in mid June 2014. The communication was to stipulate the aims and criteria (technical requirements / data protection) for the transfer of PNR data to third countries. The European Commission cited a Memorandum of Understanding on the basis of an EU regulation with the respective third countries requiring PNR data from European airlines as a possible option. The possibility of a new legal framework for the transfer of PNR data to third countries is also mentioned in the European Commission’s communication “An open and secure Europe: making it happen” on 11 March 2014.

At the end of April, the European Commission then, however, relativized this schedule and did not present a new schedule either, stating it first wanted to thoroughly analyse the ECJ ruling handed down on 8 April 2014 on data retention, and announced its plans for a dialogue with the third countries concerned (see telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers on 23 April 2014).

a)

The Federal Government has not yet adopted a binding position towards the intention voiced in 2013 by the European Commission of creating a “unilateral instrument” for the transfer of PNR data to third countries.

b)

Currently there is no European Commission schedule of any kind for the presentation of a “unilateral instrument”, see the introductory answer to question 10 above and telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers on 23 April 2014.

11. To the knowledge of the Federal Government, which other countries have made calls to conclude an agreement with the EU on the transfer of PNR data?

- a) With which countries has an official dialogue already been opened or to what extent is this the aim?

b) With which countries have which options for an agreement been explored, including multilateral agreements or a “unilateral solution”?

c) In the view of the Federal Government, to what extent is implementation of PNR agreements with these countries affected by the ECJ ruling?

On 11.

The Federal Government has no knowledge of certain additional third countries having called for the conclusion of a PNR agreement with the EU. The Federal Government does, however, know that in addition to Russia, Mexico, South Korea and the United Arab Emirates have also demanded the transfer of PNR data from European airlines or have announced they will be making such demands in the near future. Please also refer to the answers to questions 12 to 14.

a)

The European Commission has a dialogue with all the named third countries. For the current status of the respective consultations please refer to telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers on 23 April 2014.

b)

Since the signing of PNR agreements with the US, Australia and Canada, to the knowledge of the Federal Government the European Commission has not offered to conclude a PNR agreement with any other third country. Before doing so, the Council would have to grant the European Commission a negotiation mandate in any case. Even for a “unilateral” solution, the right of initiative would be with the European Commission, which to date, however, has not submitted any specific proposal to the Council. Finally, there are currently also no initiatives, for instance in the scope of the ICAO, for a multilateral agreement on the issue of PNR transfer; there are merely transfer formats which have already been harmonised in the framework of the ICAO.

c)

The Federal Government is currently examining, as is the European Commission, (see answer to question 10), to what extent the ECJ ruling on data retention gives rise to stipulations for PNR agreements with third countries as well.

12. To what extent is the United Arab Emirates also demanding a PNR Agreement with the EU and what knowledge does the Federal Government have of an according project by the country and its implementation?

a) To what extent is the United Arab Emirates’ PNR system being put in place purely for “counterterrorism” or to what extent will it also be used for other offences, for instance in the field of drugs trafficking or migration?

b) What does the Federal Government know about European Commission negotiations regarding the question as to what extent an EU PNR agreement with the United Arab Emirates is also meant to cover other forms of criminal activity?

c) What is the Federal Government’s stance on this?

On 12.

The Federal Government has no knowledge of the United Arab Emirates demanding a PNR agreement with the EU.

a)

The Federal Government does not have any knowledge of the specific defined purpose of the PNR system currently practiced by the United Arab Emirates either.

b)

The Federal Government's current level of information can be found in telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers in Brussels on 23 April 2014.

c)

The Federal Government to date has had no reason to adopt a position on the question of whether the EU should conclude a PNR agreement with the United Arab Emirates.

13. To the knowledge of the Federal Government, to what extent is it true that Mexico is demanding PNR transfers and has even announced that as of autumn it will be imposing financial penalties in the event of non-transfer?

a) To what extent has it been possible to postpone according deadlines in negotiations?

b) To the knowledge of the Federal Government which airlines from EU Member States have already received letters stating deadlines and how legally binding are these in the view of the Federal Government?

c) To the knowledge of the Federal Government to what extent is the "Moraes report" also impacting the negotiations with Mexico?

d) What further meetings are planned with Mexico in 2014 (especially higher-level ones) and who is to take part in these?

On 13

Mexico has demanded the transfer of PNR data since 2012.

a)

Mexico has postponed actual sanction-backed data requirements time and again, most recently in December 2013 to 30 September 2014. Please also refer to telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers on 23 April 2014.

b)

According to information from German Lufthansa, it received a letter from the Mexican customs authorities granting German Lufthansa an extension of the PNR data deadline until 30 September 2014. To the knowledge of the Federal Government, other German aviation enterprises also received

the demand to transfer PNR data at the start of December 2013 directly or via the International Air Transport Association (IATA). They were also granted an extension until 30 September 2014.

c)

One can see from telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers that the Moraes report was not the subject of the talks between the European Commission and the Mexican authorities on the issue of PNR. The European Commission cited it in the European Parliament merely as evidence of the current political situation.

d)

Please refer to telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers on 23 April 2014.

Question 14:

What knowledge does the Federal Government have of the negotiations conducted by the government of South Korea with airlines and/or EU authorities on the transfer of PNR data?

Answer to question 14:

Please refer to telegraphic report no. 1963 on 28 April 2014 on the meeting of the justice and home affairs policy officers on 23 April 2014. For years now, South Korea has been intending to require PNR data from European airlines. Following talks with the European Commission, South Korea has, however, always re-postponed the PNR data requirement.

15. To the knowledge of the Federal Government, which EU Member States already have PNR systems and which are working on setting them up?

- a) To what extent is the EU involved in standardising these systems or ensuring interoperability?
- b) What does the "PNRGOV-Push-Method" entail, on which platform is such data exchanged and to what extent are there plans to revise this?
- c) What is a "Passenger Information Unit Interest Group" and who does it comprise?

On 15.

To the knowledge of the Federal Government, the United Kingdom has a PNR –system. The Federal Government also knows that France, Spain, Finland, Italy and Latvia are currently setting up PNR systems.

a)

The Federal Government is not aware of any official initiatives by the European Union aiming to standardise the future national PNR systems or to render them compatible with each other. With regard to the national PNR initiatives of some Member States, the European Commission has however appealed to the Members States in question to bear in mind the interoperability of the future national PNR systems of the various Member States already at this stage of the process.

b)

PNRGOV is an international format in the framework ICAO/IATA for the transfer of PNR data from a reservation system to government bodies. The Federal Government has no knowledge of the technical platform and any modifications which may be planned.

c)

The "Passenger Information Unit Interest Group" is the Member States which have expressed their interest to the European Commission in being informed on a regular basis via a secure website about new developments in the area of PNR. The Federal Government has no knowledge of an exhaustive list of participating Member States.

16. What is the Federal Government's stance on the adoption of an EU PNR Directive?

a) In the view of the Federal Government to what extent is the implementation of an EU PNR Directive also impacted by the ECJ ruling on data retention?

b) To what extent has the European Commission reacted in relation to PNR to the ruling, which working groups or meetings have been announced or have already taken place?

c) What has been agreed on?

On 16.

An EU PNR system could fundamentally be beneficial to the security authorities. In the area of terrorism PNR data can, for instance, help to identify the travel movements of – in part previously unknown – individuals and clarify periods they have spent in terror camps.

A future EU PNR system will have to be reconcilable with fundamental rights however and sufficiently respect the requirements of data protection. That is why the Federal Government advocated a high level of data protection in the negotiations on the draft EU PNR Directive in 2011/2012.

a)

The Federal Government is currently examining to what extent the ruling by the European Court of Justice (ECJ) also gives rise to standards for the EU PNR Directive.

b)

Like the Federal Government, the European Commission is currently examining the conclusions to be drawn from the ECJ ruling for the EU PNR Directive. The European Commission has not, however, invited the Member States to any working group or other meetings on this to date.

c)

In relation to the impacts of the ECJ ruling on data retention for the area of PNR, no agreements have been made at EU level to date either.