



EUROPEAN COMMISSION

Brussels, 16.1.2012  
C/2012/ 81 final

*Dear President,*

*The Commission thanks the Bulgarian National Assembly for its Opinion on the proposal for a Directive on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime {COM(2011) 32 final}.*

*We have studied your Opinion carefully and I am hereby enclosing our comments. Allow me to start by apologising for our delay in replying to your opinion.*

*The proposed directive aims to guarantee the highest possible level of data protection and is the result of a very careful assessment of the different issues at stake. It aims to safeguard security whilst fully respecting fundamental rights and the principle of proportionality.*

*PNR data is already being used successfully to prevent and fight serious crime, including terrorism, in many Member States. To give an idea of the necessity of this kind of data, Belgium reported to the Commission that 95 percent of the illegal drugs seized in 2009 were exclusively or predominantly due to the processing of PNR data. In Sweden, the corresponding figure was 65-75 percent. France provided similar figures. The analysis of PNR data has also proven very important for identifying and dismantling terrorist networks and identifying criminal networks involved in human trafficking.*

*As regards the data retention period, according to the Commission's assessment, 5 years represents the right balance between law enforcement needs and data protection. It is noted that the Commission included for the first time the depersonalisation of the data just 30 days after their receipt, a principle that reinforces the proportionality of the proposal and offers very important benefits to the protection of personal data. It is the Commission's firm belief that the appropriate retention period of each type of data should be judged on its own merits. In the case of PNR data, a commensurate period of retention is necessary to carry out an appropriate and useful analysis of the data.*

*Mrs. Tsetska TSATCHEVA  
President  
National Assembly of Bulgaria  
2 Narodno Sabranie Square,  
BG - 1169 SOFIA*

Finally, on the issue of the architecture of the system, i.e. whether it should be centralised or decentralised, this was analysed extensively in the Impact Assessment that accompanies the proposal. Even though the centralised approach has financial advantages, the Commission's analysis showed that, owing to the specific nature of PNR data, and the purposes for which is used, it would have posed significant operational challenges.

As regards your additional comments, the Commission has taken them into account. They will in particular be very helpful during the negotiations of the proposal in the European Parliament and the Council.

We look forward to pursuing our political dialogue, on this and other matters of interest to the European citizen.

Yours faithfully,

Maroš Šefčovič  
Vice-President