



**THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
8TH TERM**

107TH

RESOLUTION OF THE SENATE

Delivered on the 4th session held on 27 January 2011

**on Communication from the Commission on the global approach to transfers of
Passenger Name Record (PNR) data to third countries
Senate Press no. K 133/07**

The Senate

I.

1. Considers

the establishment of the Union-wide framework for concluding agreements on transfer of Passenger Name Record data with third countries as a step forward, as currently such rules are lacking;

2. Perceives

the Communication from the Commission as a start of the discussion that should aim at better predictability of the legal regulation and securing of a real added value of such data transfers;

II.

1. Points out

that it is necessary to put any arrangements regarding the transfer and retention of data of aircraft passengers under a proportionality test that is to clearly demonstrate adequacy of the extent of received and used data in relation to the eventual benefit in the fight against terrorism and serious international crime;

2. Recommends

putting emphasis on establishment of a system of safeguards that would ensure that the transferred data are not shared with other third countries without consent of the contracting party;

3. Insists on

its claim that in the current legal situation it is necessary to qualify the agreements in question as mixed agreements, based on the fact that there does

not exist any internal regulation on PNR in the EU from which it would be possible to derive exclusive competence of the EU to conclude agreements on transferring of PNR to third countries;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and about further initiatives, including the current process of conclusion of agreements on transfer and use of PNR;

2. Authorises

the President of the Senate to forward this resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Miroslav Škaloud
sign manual
Senate Verifier