



EUROPEAN COMMISSION

Brussels, 10.1.2012
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Dear President,

The Commission thanks the Czech Senate 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) 032 final}. It takes particular note of the Senate's conclusion that the proposal would not comply with the principle of subsidiarity.

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 terrorists' networks and identifying criminal networks involved in human trafficking.

The Commission therefore considers that the PNR proposal is both necessary and proportionate.

*Mr Milan ŠTĚCH
President of the Senate
of the Parliament of the Czech Republic
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PRAGUE 1*

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*