



EUROPEAN COMMISSION

Brussels, 10.01.2012
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Dear President,

The Commission thanks the Romanian Senate for its opinion on the proposal for a Directive on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime {COM(2011) 032 final}. Allow me to start by apologising for our delay in replying to your opinion.

The Commission has studied your opinion carefully and takes note of your conclusion that the above-mentioned proposal breaches the proportionality principle.

In reply to the questions and concerns raised in your opinion, I would like to provide the following clarification.

The proposal guarantees the highest possible level of data protection and is the result of a very careful assessment. 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.

As regards your suggestions on Article 5(6), the Commission will consider alternative formulations on their merits during the negotiations process.

On the terminology used to describe the PNR data elements in the Annex to the proposal, the Commission understands your concern that it is not specific enough. However, the terminology used is taken from guidelines of the International Air Transport Association (IATA) and it represents official language used in air transport.

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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*