



EUROPEAN COMMISSION

Brussels, 13.01.2012
C(2012) 40 final

Dear Lord Roper,

The Commission thanks the House of Lords for its opinion on the United Kingdom opt-in to 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}. I take this opportunity to apologise for the delay in replying to your opinion.

The Commission welcomes your assessment on the value of PNR data for the prevention and detection of terrorism and serious crime. It also welcomes your positive opinion on the necessity of a single legislative measure to regulate the use and sharing of PNR data in the EU.

The proposed directive aims at guaranteeing 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.

On the specific issue of intra-EU flights, it should be noted that the proposal of the Commission applies only to international flights. However, it contains Recital 28 stating that the proposal does not affect the possibility of Member States to provide under their domestic law for the collection of PNR on intra-EU flights. Further, Article 17 of the proposal provides for a specific review of the intra-EU flights issue two years after the transposition of the Directive.

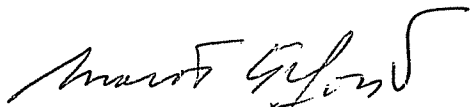
The Commission has acknowledged on several occasions the added value from a security point of view of collecting PNR on intra-EU flights, given that the objectives pursued by the collection of PNR data are the same inside and outside the EU. This is included in the impact assessment, and underpins the proposal to review this aspect two years after the transposition of the Directive. However, the Commission considered it to be premature to include intra-EU flights at this stage.

In the Council of Ministers, a large number of Member States seem to be either in favour of including intra-EU flights in the proposal or, at the very least, explicitly allowing Member States to do so if they wish. The Commission is closely following these discussions and is looking forward to hearing the position of the European Parliament on the same issue.

*Lord Roper
Chairman of the European Union Select Committee
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The Commission looks forward to continue our cooperation on this and other matters of interest to the European citizen.

Yours sincerely,



Maroš Šefcovič
Vice-President