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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	23 October 2015
To:	Working Party on General Matters Including Evaluation (GENVAL/PNR)
Subject:	Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 4196/15.

2. Directive of the European Parliament and of the Council on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime - preparation of trilogues

Prior to the discussion on the draft PNR Directive, COM preliminarily outlined the outcome of the expert workshop on collecting airline reservation data from "non-carrier economic operators" in Brussels on 15 October 2015, and promised to submit a detailed written report on the subject in time before the JHA Councillors meeting of 29 October 2015.

In the framework of preparing the trilogues, the Presidency invited delegations to exchange views on the PNR proposal along the lines of 12843/15 AVIATION 115 CODEC 1318 DATAPROTECT 160 ENFOPOL 285 GENVAL 45. The meeting discussed the proposed EP amendments to Article 4 on different types of processing of PNR data, to Article 5 on competent authorities, to Article 7 on information exchange between Member States, and to Article 8 on PNR data exchange with third countries.

Delegations voiced concerns about unclear drafting of the amendments on several points and tasked the Presidency to ask EP for clarification in order to solve problems of understanding.

During the discussion, delegations highlighted repeatedly the importance the Council attributes to data protection and, by the same token, to the criteria of proportionality and necessity for PNR data exchange.

The Presidency took note of the interventions from delegations and COM and invited delegations to submit further comments in writing by 30 October 2015.

3. AOB

The HU delegation briefly outlined the PNR data exchange pilot project planned to start on 1 January 2016 and end in June 2017. The goal is to reach a common understanding on the type of data to be exchanged, the legal framework, the business processes and appropriate technical solutions.

Further to the question of the UK delegation to react to the Second Opinion of the European Data Protection Supervisor (EDPS) on the PNR proposal (12423/15), the Presidency promised to reflect on the most appropriate way to do so.
