

EN
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Answer given by Ms Malmström
on behalf of the Commission
(14.5.2013)

The questions raised seem to refer to the provisions in the EU-US PNR Agreement on the frequency, and method of transmission (push/pull) of PNR data and on data security.

Air carriers are obliged to transmit PNR data initially 96 hours before the scheduled flight departure and additionally may be requested to transfer the data in real time to ensure that they are up-to-date and accurate. On the method of transmission, air carriers are required to push the data, but the Agreement allows the US to pull data in very limited cases where air carriers are unable for technical reasons to respond in a timely way to a request for data, or in exceptional circumstances in order to respond to a specific, urgent and serious threat. On data security, the Agreement requires to log or document all access to PNR data.

During the review of the previous EU-US PNR Agreement in 2010, which also allowed ad hoc pulls, the EU report raised concerns as regards the number of ad hoc requests and the fact that DHS executed such requests by pulling the data. The report recommended that (i) the ad hoc requests be substantially reduced, (ii) DHS should reassess its way of using the ad hoc requests functionality, and (iii) DHS should use the push rather than the pull method. In addition, the report recommended that DHS should keep better record of its activities, such as its access to the data and its ad hoc pulls.

The Commission has raised the issues mentioned in this question with DHS, and will fully assess the implementation of the Agreement during the first joint review of the 2012 Agreement planned for this year.