



Proposal for a Directive on an EU Passenger Name Record: No freedoms, no security

The undersigned digital and civil liberties organisations would like to express serious concerns regarding the negotiation process and the lawfulness of the proposed EU PNR Directive, both with regard to the proposals from the Commission and the suggested amendments from the LIBE Rapporteur.

Two years after the rejection of the first proposal, the LIBE Committee is about to reassess its position on the establishment of an EU PNR system. Since 2013, the European Commission has distributed [€50 million for the establishment of several national PNR systems](#), ignoring the concerns raised by the LIBE committee and data protection and human rights expert bodies. The [Article 29 Working Group](#) (also [here](#) too), the [European Data Protection Supervisor](#) and the [European Union Agency for Fundamental Rights](#) have repeatedly raised concerns on the lack of proportionality of this proposal and the severe interference to the fundamental rights to privacy and data protection.

The proposal fails to introduce appropriate safeguards, is not in line with the principle of purpose limitation and is neither necessary nor proportionate. The rapporteur's draft Report fails to redress these problems. Moreover, the draft report suggests adding intra-EU flights to the PNR system, considerably increasing the scope of the travel surveillance of Europeans citizens and directly infringing upon their right to free movement within the Union. Not alone does the proposal allow the unnecessary mass surveillance of individuals through the collection, retention and profiling of their personal data, but it may also be in violation of the freedom of movement, a fundamental freedom of the EU.

While it is clearly appropriate for the European Union to look for ways to enhance the security of its citizens, the response must not undermine our fundamental rights and freedoms. More data does not mean more security and there is no evidence showing that the proposed EU PNR Directive will bring more security. In the cases of the recent attacks in Paris and Copenhagen the perpetrators were known by the intelligence authorities. It is unclear how even more data about those persons would have enabled the law enforcement authorities to be more efficient.

In 2006, the European Parliament adopted the Data Retention Directive as a response to the London attacks. It did so after LIBE looked at the facts and chose to reject the measure. Last year, the European Court of Justice declared the Directive invalid, confirming LIBE's initial analysis. Two years ago, after looking at the facts, the LIBE Committee took the decision to reject the EU PNR Directive. Now, again as a result of attacks for which the measure is entirely irrelevant, the Parliament is being asked to make an almost identical mistake.

Now, more than ever, we need leadership and not politics in order to fight terrorism. We strongly urge members of the LIBE Committee to look at the facts and reject *again* the EU PNR proposal.

European Digital Rights, a coalition of 33 civil rights organisations. This letter was prepared by EDRI members, Access and Panoptikon Foundation.

