

Security Union: Commission Wants Mandate for EU-Japan PNR Agreement

News

Thomas Wahl

During the EU-Asia Connectivity Forum held in Brussels on 27 September 2019, Commission President *Jean-Claude Juncker* announced that the Commission recommended that the Council give green light to open negotiations with Japan on the transfer of Passenger Name Records (PNR). PNR are travel information data necessary to enable reservations to be processed by air carriers. Nowadays, PNR data are considered a building block in preventing and prosecuting terrorism and serious crime.

The Commission's recommendation to the Council to authorise the opening of negotiations for an EU-Japan PNR agreement (COM(2019) 420 final) is accompanied by an annex setting out directives for the negotiations. The directives define not only the objectives of the envisaged agreement but also the parameters necessary to safeguard and control respect for the protection of personal data, fundamental rights, and freedom of individuals, irrespective of nationality and place of residence, in the context of the transfer of PNR data to Japan.

The Commission's initiative concretely implements an idea in the [EU-Japan Strategic Partnership Agreement](#) (signed in July 2018), which specifically encourages both parties to use "available tools, such as passenger name records to prevent and combat acts of terrorism and serious crimes." *The agreement aims at further strengthening the key strategic partnership between the EU and Japan in the fight against terrorism and other forms of serious crime. The EU already concluded an agreement on mutual legal assistance in criminal matters with Japan* for this purpose.

Currently, the EU has two PNR schemes in force with Australia and the United States of America. The EU is also negotiating a PNR agreement with Canada after the CJEU declared a previously planned agreement with Canada void in 2017 (see [eu crim 3/2017](#), pp. 114-115). The transfer of the PNR data of passengers on international flights to the European Union (EU) countries and the processing of these data by law enforcement authorities in the EU Member States is regulated by the [EU PNR Directive 2016/681](#) (see also [eu crim 2/2016](#), p. 78). At the global level, the International Civil Aviation Organisation (ICAO) is currently working with its Member States to establish a standard for the processing of PNR data.

Regarding the envisaged EU-Japan PNR accord, it is now up to the Council to consider the recommendation and to adopt a Decision authorising the Commission to open negotiations.

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