



**THE PARLIAMENT OF THE CZECH REPUBLIC
SENATE**

8th TERM

28th RESOLUTION

COMITTEE on EU AFFAIRS

delivered on the 4th meeting held on 5th January 2011

on Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries

(Senate Press no. K 133/07)

Following introductory information from Mr. Jaroslav Zajíček, Director of the Department of EU Policies of the Ministry of Foreign Affairs, Mr. Ondrej Veselský, Director of the Department of International Law of the Ministry of Interior, Mr. Igor Nemeč, President of the Office for Personal Data Protection, the rapporteur's report by Senator Tomáš Grulich and after a debate

The Committee

I. Adopts

a recommendation on Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries, that is attached to this Resolution;

II. Recommends

that the Senate of the Parliament of the Czech Republic give a statement on Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries in accordance with the recommendation adopted by the Committee;

III. Appoints

Senator Tomáš Grulich the committee's rapporteur at the plenary session of the Senate of the Parliament of the Czech Republic;

IV. Authorises

the Committee Chairperson Senator Ludek Sefzig, to submit this resolution to the President of the Senate of the Parliament of the Czech Republic.

Ludek Sefzig

sign manual

Committee Chairperson

Tomáš Grulich

sign manual

Committee Rapporteur

Jana Jurencáková

sign manual

Committee Verifier

Recommendation to the Senate of the Parliament of the Czech Republic on Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries

(Senate Press no. K 133/07)

The Senate of the Parliament of the Czech Republic

I.

1. Considers

the establishment of the Union-wide framework for concluding agreements on transfer of Passenger Name Record data with third countries as a step forward, as currently such rules are lacking;

2. Perceives

the Communication from the Commission as a start of the discussion that should aim at better predictability of the legal regulation and securing of a real added value of such data transfers;

II.

1. Points out

that it is necessary to put any arrangements regarding the transfer and retention of data of aircraft passengers under a proportionality test that is to clearly demonstrate adequacy of the extent of received and used data in relation to the eventual benefit in the fight against terrorism and serious international crime;

2. Recommends

putting emphasis on establishment of a system of safeguards that would ensure that the transferred data are not shared with other third countries without consent of the contracting party;

3. Insists on

its claim that in the current legal situation it is necessary to qualify the agreements in question as mixed agreements, based on the fact that there does not exist any internal regulation on PNR in the EU from which it would be possible to derive exclusive competence of the EU to conclude agreements on transferring of PNR to third countries;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and about further initiatives, including the current process of conclusion of agreements on transfer and use of PNR;

2. Authorises

the President of the Senate to forward this resolution to the European Commission.