

TEXT ADOPTED No. 814

“Small law”

National Assembly

CONSTITUTION OF 4 OCTOBER 1958

THIRTEENTH TERM

Ordinary session 2011-2012

23 December 2011

EUROPEAN RESOLUTION

*On the directive proposal on the establishment
of a European system for the collection and processing
of passengers' records data (PNR data)*

The resolution, as developed below, is considered finalised, pursuant article 151-7 of the Regulation:

Unique article

The National Assembly

Considering article 88-4 of the Constitution

Considering the directive proposal from the European parliament and the Council regarding on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (COM [2011] 32 final/n° E 6014),

Considering the National Assembly resolution No.352 of 18 October 2008 on the proposal of a framework decision on the use of PNR data for repressive use,

1. Underlines the criteria of necessity and proportionality which apply to the processing of personal data;
2. Recall its position according to which PNR data is a necessary tool against terrorism and forms of serious crime, as well as for investigation and prosecution in this regard;

3. Considers that the establishment of a harmonised system of transfer and collection at a European level would reinforce the efficiency of the measures taken nationally by Member states with respect to the fight against terrorism and forms of serious crime;
4. Considers that such framework would enable the Union to better impose European standards in relation to the respect for private life and the right to the protection of personal data in international agreements between the Union and third states;
5. Welcomes the undeniable improvement brought to the directive proposal, in line with the requests formulated by the National Assembly in resolution No.352 on 18 October 2009;
6. Asks for the framework established through the directive to be perfectly clear and coherent at each step of the collection, processing and retention of the data, and to ensure the full respect of fundamental rights, especially with regard to the right to the protection of personal data and the right to the respect of private life, which is not the case at present;
7. Considers that the length of data retention should not be shortened with excess as this may have a significant impact on the dispositive itself; intra-European flights should not be excluded from the implementation field of the directive.

Paris, 23 December 2011.

The President

Signed: Bernard ACCOYER