

Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

### *CHAPTER III*

#### ***Implementing measures***

##### *Article 16*

#### **Common protocols and supported data formats**

1 All transfers of PNR data by air carriers to the PIUs for the purposes of this Directive shall be made by electronic means that provide sufficient guarantees in respect of the technical security measures and organisational measures governing the processing to be carried out. In the event of a technical failure, the PNR data may be transferred by any other appropriate means provided that the same level of security is maintained and Union data protection law is fully complied with.

2 As of one year after the date the Commission first adopts common protocols and supported data formats in accordance with paragraph 3, all transfers of PNR data by air carriers to the PIUs for the purposes of this Directive shall be made electronically using secure methods conforming to those common protocols. Such protocols shall be common to all transfers to ensure the security of the PNR data during transfer. The PNR data shall be transferred in a supported data format to ensure their readability by all parties involved. All air carriers shall be required to select and identify to the PIU the common protocol and data format that they intend to use for their transfers.

3 The list of common protocols and supported data formats shall be drawn up and, if necessary, adjusted by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).

4 Paragraph 1 shall apply for as long as the common protocols and supported data formats referred to in paragraphs 2 and 3 are not available.

5 Within one year from the date of the adoption of the common protocols and supported data formats referred to in paragraph 2, each Member State shall ensure that the necessary technical measures are adopted to be able to use those common protocols and data formats.