

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 IV*

#### **Final provisions**

#### *Article 18*

#### **Transposition**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 May 2018. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

#### *Article 19*

#### **Review**

1 On the basis of information provided by the Member States, including the statistical information referred to in Article 20(2), the Commission shall by 25 May 2020 conduct a review of all the elements of this Directive and submit and present a report to the European Parliament and to the Council.

2 In conducting its review, the Commission shall pay special attention to:

- a compliance with the applicable standards of protection of personal data,
- b the necessity and proportionality of collecting and processing PNR data for each of the purposes set out in this Directive,
- c the length of the data retention period,
- d the effectiveness of exchange of information between the Member States, and
- e the quality of the assessments including with regard to the statistical information gathered pursuant to Article 20.

3 The report referred to in paragraph 1 shall also include a review of the necessity, proportionality, and effectiveness of including within the scope of this Directive the mandatory collection and transfer of PNR data relating to all or selected intra-EU flights. The Commission shall take into account the experience gained by Member States, especially those Member States that apply this Directive to intra-EU flights in accordance with Article 2. The report shall also consider the necessity of including non-carrier economic operators, such as travel agencies and tour operators which provide travel-related services, including the booking of flights, within the scope of this Directive.

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4 If appropriate, in light of the review conducted pursuant to this Article, the Commission shall make a legislative proposal to the European Parliament and to the Council with a view to amending this Directive.

#### *Article 20*

##### **Statistical data**

1 On a yearly basis, Member States shall provide the Commission with a set of statistical information on PNR data provided to the PIUs. These statistics shall not contain any personal data.

2 The statistics shall as a minimum cover:

- a the total number of passengers whose PNR data have been collected and exchanged;
- b the number of passengers identified for further examination.

#### *Article 21*

##### **Relationship to other instruments**

1 Member States may continue to apply bilateral or multilateral agreements or arrangements between themselves on exchange of information between competent authorities that are in force on 24 May 2016, in so far as such agreements or arrangements are compatible with this Directive.

2 This Directive is without prejudice to the applicability of Directive 95/46/EC to the processing of personal data by air carriers.

3 This Directive is without prejudice to any obligations and commitments of Member States or of the Union by virtue of bilateral or multilateral agreements with third countries.

#### *Article 22*

##### **Entry into force**

This Directive shall enter into force the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Directive is addressed to the Member States in accordance with the Treaties.