

EU/Switzerland Agreement: transfer of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

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PURPOSE: to conclude an agreement between the European Union and the Swiss Confederation on the transfer of passenger name record (PNR) data for the prevention and detection of terrorist offences and serious forms of crime, as well as for investigations and prosecutions in this area.

PROPOSED ACTION: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Commission underlines that strengthening international cooperation on law enforcement, including on information sharing, is essential to address the threats posed by terrorism and serious transnational crimes.

Passenger name record (PNR) data is information provided by passengers and collected by and held in the air carriers' reservation and departure control systems for their own commercial purposes. The collection and analysis of PNR data can provide the authorities with important elements allowing them to detect suspicious travel patterns and identify associates of criminals and terrorists, in particular those previously unknown to law enforcement authorities.

However, the transfer of PNR data to third countries constitutes an interference with the protection of individuals' rights over their personal data. Therefore, such transfers require a legal basis under EU law and must be necessary, proportionate, and subject to strict limitations and effective safeguards, as guaranteed by the Charter of Fundamental Rights of the European Union.

The transfer of PNR data to third countries as well as the processing by their authorities constitutes an interference with the protection of individuals' rights with regard to their personal data. For this reason, it requires a legal basis under EU law and must be necessary, proportionate and subject to strict limitations and effective safeguards, as guaranteed by the Charter of Fundamental Rights of the EU.

The 2016 European directive (the PNR Directive) already governs the transfer and processing of PNR data within the European Union, and its validity was confirmed by the Court of Justice in 2022. Under the 1999 Schengen Association Agreement between the EU and Switzerland, Switzerland is bound by EU acts which constitute a development of the Schengen acquis. However, since the PNR Directive does not constitute a development of the Schengen acquis, Switzerland does not participate in the implementation of this legal instrument and therefore cannot legally receive and process PNR data concerning flights operated by air carriers between the EU and Switzerland.

To address this security gap, the European Commission recommended in 2023 opening negotiations for a Passenger Name Record (PNR) agreement between the EU and Switzerland, alongside similar initiatives with Norway and Iceland. Negotiations began in March 2024 and concluded for Switzerland in October 2025.

The purpose of this agreement is to bridge this security gap existing in the Schengen area and enable the transfer of PNR data from the Union to Switzerland.

CONTENT: the Commission proposes that the Council decide to approve **the agreement between the European Union and Switzerland on the transfer of passenger name record (PNR) data** for the prevention and detection of terrorist offences and serious forms of crime, as well as for investigations and prosecutions in this area.

The agreement establishes a **legal basis** and sets out **conditions and safeguards** for the transfer to Switzerland, and its processing by Switzerland, of PNR data collected by EU air carriers. The agreement allows air carriers to transfer PNR data from the EU to Switzerland, in full compliance with the rights enshrined in the Charter of Fundamental Rights of the EU, in particular the right to respect for private and family life and the right to the protection of personal data. Appropriate safeguards are specifically provided for the protection of personal data transferred under the agreement.

The agreement provides a **legal basis, conditions and safeguards** for the transfer to and processing by Switzerland of PNR data received from air carriers from the Union. The Agreement enables the transfer of PNR data by air carriers from the Union to Swiss Confederation in full respect of the rights provided in the Charter of Fundamental Rights of the Union, in particular the right to private and family life and the right to the protection of personal data. Appropriate safeguards are provided for the protection of personal data transferred under the agreement.

The agreement fosters police and judicial cooperation between the competent authorities of Swiss Confederation and those of the Member States of the Union as well as Europol and Eurojust, with the aim to effectively ensure internal security in the absence of internal border controls within the Schengen area.

In particular, the agreement:

- governs the method and frequency of PNR data transfers by airlines to the Swiss "Passenger Information Unit" (PIU), so that these transfers are limited to the minimum necessary and proportionate to the purpose specified in the agreement;
- exhaustively limits the purpose of processing all PNR data covered by the agreement to the prevention and detection of terrorist offences and serious forms of crime, as well as to investigations and prosecutions in this area;
- provides for the prohibition of processing special categories of PNR data, as defined in the EU acquis on data protection;
- provides a high level of security for PNR data received under the agreement;
- sets rules that limit the storage period of PNR data;
- provides for rules and conditions for the disclosure of PNR data outside of Switzerland and the EU.