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Ms Estelle MASSE  
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Dear Ms Massé,

Thank you for your letter of 22 November 2016 to Commissioner Bienkowska who has asked me to reply as it relates more closely to my portfolio. On behalf of the Commission, please accept my apologies for the delayed reply.

The Belgian Parliament adopted on 22 December 2016 a framework law which transposes the EU Directive on the transfer by air carriers of passenger name record (PNR) data to Member States for the purposes of preventing, detecting, investigating and prosecuting terrorist offences and serious crime. The Belgian law makes use of Recital 33 of the PNR Directive that allows Member States to introduce, under their national law, systems to collect and process PNR data for other modes of transport, provided these respect relevant EU legislation. The Belgian law covers several modes, including international transport by coach and high speed rail. Belgium now intends to adopt implementing legislation (royal decrees) for each mode of transport, which will lay down the detailed requirements.

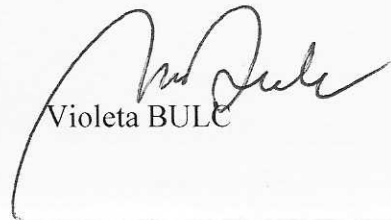
According to the framework law, operators will be required to submit the passenger data already in their possession to a Belgian database before travel. Rail companies will be required to inform passengers of the data transfer in advance. They will also be obliged to verify the accuracy of the passenger data by checking names on tickets against identity documents. Breach of these obligations may incur a fine of up to EUR 50 000 (EUR 75 000 if repeated) for the operator.

The framework law does not contain an obligation for tickets to be nominative or an explicit limitation of the possibility to sell tickets at the last minute.

The practical impact of the foreseen measures will very much depend on the more detailed requirements which the Belgian authorities plan to set out in the implementing legislation. It is therefore impossible to fully assess their effect and any possible breach of EU legislation at this stage.

The Commission shares in principle the concern of the Belgian government for the security of citizens. The European Commission is following the issue closely and together with Commissioners Avramopoulos and King, I am in contact with the Belgian authorities. The Belgian authorities have committed to address the issue jointly with their neighbouring countries and to consult all affected stakeholders before adopting implementing legislation.

Yours sincerely,



Violeta BULC