



YLVA JOHANSSON
MEMBER OF THE EUROPEAN COMMISSION
HOME AFFAIRS

Rue de la Loi, 200
B-1049 Brussels
Tel. +32-2 295 01 70
cab-johansson-contact@ec.europa.eu

Brussels, **24/09/2021**
Ares (2021)5278422

Dear Ms. Zhyrmon and Ms. Massé,

Thank you for your letter of 25 August 2021 on the possible exchange of information between EU and Belarus authorities that may have aided the kidnapping of the Belarusian journalist, Raman Pratasevich, and his partner, Sofia Sapega.

The EU has immediately condemned this occurrence as another blatant attempt by the Belarusian authorities to silence all opposition voices, and called for their immediate release¹.

As you are aware, the European Council called the International Civil Aviation Organisation (ICAO) to investigate this unprecedented and unacceptable incident². As a consequence, the ICAO Secretary General created a Fact Finding Task Force, which is currently in the process of bringing together all relevant facts and drafting its Report.

Having said that, with the first question in your letter you ask the Commission whether an exchange of Passenger Name Record (PNR) data between Belarus and the EU Member States of departure (Greece) or landing (Lithuania) has occurred.

In this context, please note that transfers of PNR data by Member States competent authorities can take place only on the basis of a duly reasoned request by a third country, on a case-by-case basis and insofar as the conditions and safeguards set out by the PNR Directive are fulfilled. Based on the information gathered by my services, neither have the Belarusian authorities requested the concerned Member States to provide this information, nor have these Member States provided any data concerning the passengers on-board Ryanair flight FR4978 to the Belarusian authorities.

Estelle MASSÉ

Europe Legislative Manager and Global Data Protection Lead of Access Now

estelle@accessnow.org

Anastasiya ZHYRMONT

Regional Outreach Coordinator, Eastern Europe & Central Asia

anastasiya@accessnow.org

¹ Declaration by the High Representative on behalf of the EU on the forced diversion of Ryanair flight FR4978 to Minsk on 23 May 2021.

² European Council conclusions 395/21 on Belarus, 24 May 2021.

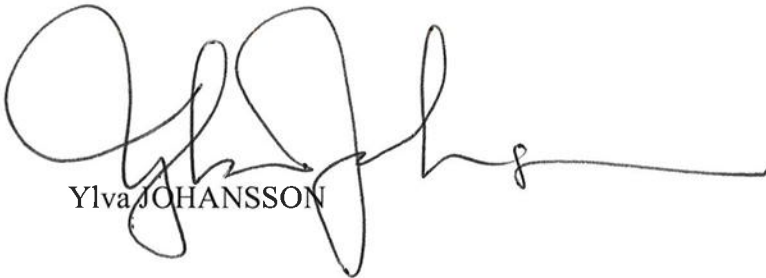
Furthermore, Member States' PNR databases cannot be accessed directly either by Interpol or by a third country.

Finally, as you rightly mention, no legal basis exists for the transfer by air carriers to Belarus of PNR data originated in the EU. Bilateral air services agreements are not in place between Belarus and the concerned Member States, hence not relevant in this context.

The compliance by air carriers with applicable EU data protection rules, including those related to the transfer of personal data to third countries, is monitored and enforced by the competent national data protection authorities and courts on the basis of their respective competences.

With this in mind, please be encouraged to share with the competent bodies, at EU or Member States level, any concrete information you may have on the unlawful handling of passengers' data that may have been performed by any actor concerned in the context of the forced diversion of Ryanair flight FR 4978.

Yours sincerely,



Ylva JOHANSSON

Cc: Vera JOUROVA, Vice-President
Adina VALEAN, Commissioner
Monique PARIAT, Director-General