



Brussels/Kiev, October 4

Re: Investigations into the possible exchange of data between EU and Belarus authorities aiding the kidnapping of Raman Pratasevich and Sofia Sapega

Dear Commissioner Johansson,

Cc: Vice-President Jourová

Cc: Commissioner Vălean

Thank you for your reply of 24 September 2021 on the possible exchange of data between EU and Belarus authorities aiding the kidnapping of Raman Pratasevich and Sofia Sapega.

We appreciate the time and effort that have been devoted to gathering information on this incident. In your reply, you indicate that “neither have the Belarusian authorities requested the concerned Member States (Greece and Lithuania) to provide this information nor have these Member States provided any data concerning the passengers on-board Ryanair flight FR4978 to the Belarusian authorities”. We would be interested in better understanding how the Commission conducted this investigation and which authorities have been involved in this process.

For the interest of international passengers’ safety and privacy, we welcome the fact that Member States’ PNR databases cannot, in principle, be accessed directly either by Interpol or by a third country. We continue to note that data sharing agreements and legislation can be more precise in such instances. For instance, under article 10 of [the EU PNR Directive](#), Europol can request access to PNR data. We are concerned about the possibility that such information could be shared further by the agency with Interpol on the basis of their [2001 Working Arrangement](#).

We reiterate that bilateral air service agreements that lack sufficient privacy and data protection safeguards, including those that Belarus has with 14 EU Member States, should be subject to more scrutiny. These agreements could be potentially used by authoritarian regimes to circumvent the limitations on the transfer of PNR data to third countries. To prevent this from happening, we call for the reform of these data sharing schemes.

Finally, we are looking forward to the report of the ICAO Fact Finding Task Force mentioned in your reply that will examine the circumstances of this incident in greater detail.

We would appreciate the opportunity to exchange with you and your team on these issues. Please let us know when you would be available to meet over the next few weeks.

We look forward to hearing back from you and we remain at your disposal for any questions you may have.

Sincerely,

Anastasiya Zhyrmont

Regional Outreach Coordinator, Eastern Europe & Central Asia

Estelle Massé

Europe Legislative Manager & Global Data Protection Lead

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