**Table of compliance**

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| COUNCIL DIRECTIVE 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data | | Draft law “On some amendmmend on Law no. 71/2016, datë 07.07.2016 “On Border Control”  Level of approximation  partially aligned | | | | |
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| Article | Text | Reference | Article | Text | Compliance | Notes |

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| **This column only indicates the article number of the EU acquis instrument that approximates either the paragraph or subparagraph.** | **This column lists the text of the article corresponding to the number in the first column. Where appropriate, each article may be broken up into paragraphs or sub-paragraphs, placing each in a separate line.** | **In case the approximate draft acts are more than one, then they are numbered and this column is marked with the relevant reference number** | **This column indicates the article number of the project** | **This column shall indicate the text of the Article or parts of the Article corresponding to the number in the fourth column and which approximated the requirements of the Article of the EU acquis in the second column.** | **This column indicates the approximation rate for each particular article.** | **This column provides notes on the degree of approximation. When the approximation is incomplete, the reasons and deadlines are given for when the approximation will be complete.** |
| Article 1 | This Directive aims at improving border controls and  combating illegal immigration by the transmission of advance passenger data by carriers to the competent national authorities. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 1 | In Article 1, the following shall be added at the end of the sentence "... *and the transmission of passenger information (API) ..."* | Fylly aligned |  |
| Article 2/a | ‘carrier’ means any natural or legal person whose occupation it is to provide passenger transport by air; | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 2 | ‘carrier’ means any natural or legal person whose occupation it is to provide passenger transport by air; by sea or by land; | Fully aligned |  |
| Neni 2 /e | ‘personal data’, ‘processing of personal data’ and ‘personal  data filing system’ have the meaning as stipulated under  Article 2 of Directive 95/46/EC. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 2 | ‘Passenger name register data’, is the information necessary to enable booking and to carry out checks on any journey booked by and / or on behalf of a person, stored in the carrier's booking system, departures used to control passengers or equivalent systems that enable the same functions.  ‘Passenger Database’, is the database containing all passenger name register data and administered by the Passenger Information Unit.  ‘Data processing’ means any action or set of actions that are performed on a passenger's name record data, such as collecting, registering, organizing, storing, restoring, consulting, using, transmitting, distributing or make available, anonymize, delete or destroy. | Fully aligned |  |
| Article 3/1 | Member States shall take the necessary steps to establish  an obligation for carriers to transmit at the request of the  authorities responsible for carrying out checks on persons atexternal borders, by the end of check-in, information concerning the passengers they will carry to an authorised border crossing point through which these persons will enter the territory of a Member State. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “Article 19/2  Transmission of passenger data  Each air carrier shall transmit to the NIP the passenger name register data collected during its operation, including passengers with final destination Republic of Albania, as well as those traveling from or through the airports of the Republic of Albania. | Fully aligned |  |
| Article 3/2 | The information referred to above shall comprise:  — the number and type of travel document used,  — nationality,  — full names,  — the date of birth,  — the border crossing point of entry into the territory of the Member States,  — code of transport,  — departure and arrival time of the transportation,  — total number of passengers carried on that transport,  — the initial point of embarkation. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | 19/2  1. Each air carrier shall transmit to the NIP the passenger name register data collected during its operation, including passengers with final destination Republic of Albania. Passenger log data include:  h) any passenger information (API) collected, including type, number, place of departure and expiry date of each travel document, nationality, surname, other name / names, gender, date of birth, airline, flight number , departure date, arrival date, departure airport, arrival airport, departure time and arrival time, as well as the total number of passengers transported | Fully aligned |  |
| Article 4 | 1.   Member States shall take the necessary measures to  impose sanctions on carriers which, as a result of fault, have not transmitted data or have transmitted incomplete or false data. Member States shall take the necessary measures to ensure that sanctions are dissuasive, effective and proportionate  and that either:  (a) the maximum amount of such sanctions is not less than EUR 5 000, or than the equivalent national currency at the rate of exchange published in the Official Journal of the European Union on the day on which this Directive enters into force for each journey for which passenger data were not communicated or were communicated incorrectly; or  (b) the minimum amount of such sanctions is not less than EUR 3 000, or than the equivalent national currency at the rate of exchange published in the Official Journal of the European Union on the day on which this Directive enters into force for each journey for which passenger data were not communicated or were communicated incorrectly. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 4 | Pas germës “g” të pikës 1 shtohet gërma “gj” me këtë përmbajtje:  gj) does not transmit or transmit incomplete or false passenger name register data.  6. For offenses set forth in letter "gj" of point 1 of this article, the carriers shall be fined, by the authority responsible for border control, for each journey, from 500,000 lek up to 1,000,000 lek per passenger whose data are not transmitted, or are incomplete or false,  7. In cases of serious or repeated breaches of obligations arising from Chapter II / 1 of this law, upon the request of the authority responsible for border control, the carrier may be temporarily suspended or revoked by the relevant authorities. | Fully aligned |  |
| Article 6 | The personal data referred to in Article 3(1) shall be  communicated to the authorities responsible for carrying out checks on persons at external borders through which the passenger will enter the territory of a Member State, for the purpose of facilitating the performance of such checks with the objective of combating illegal immigration more effectively.  Member States shall ensure that these data are collected by the carriers and transmitted electronically or, in case of failure, by any other appropriate means to the authorities responsible for carrying out border checks at the authorised border crossing point through which the passenger will enter the territory of a Member State. The authorities responsible for carrying out checks on persons at external borders shall save the data in a  temporary file.  After passengers have entered, these authorities shall delete the data, within 24 hours after transmission, unless the data are needed later for the purposes of exercising the statutory functions of the authorities responsible for carrying out checks on persons at external borders in accordance with national law and subject to data protection provisions under Directive 95/  46/EC.  Member States shall take the necessary measures to oblige carriers to delete, within 24 hours of the arrival of the means of transportation pursuant to Article 3(1), the personal data they have collected and transmitted to the border authorities for the purposes of this Directive.  In accordance with their national law and subject to data  protection provisions under Directive 95/46/EC, Member States may also use the personal data referred to in Article 3(1) for law enforcement purposes.  2.   Member States shall take the necessary measures to obligethe carriers to inform the passengers in accordance with the provisions laid down in Directive 95/46/EC. This shall also comprise the information referred to in Article 10(c) and Article 11(1)(c) of Directive 95/46/EC. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | 1. Passenger name register data transmitted by air carriers at NIP shall be stored in the Passenger Database for a period of five years from their transmission. 2. NIP deletes / destroys the passenger name register data from the Passenger Database after a period of five years has elapsed since their transmission. 3. Authorities responsible for border control shall delete the data specified in the letter "h" of Article 19/2 of this Law within a period of 24 hours from their transmission, unless their storage is necessary for the fulfillment their legal duties. 4. Passenger name register data, as well as the results of their processing, exchanged or distributed to the Competent Authorities, shall be stored and deleted in accordance with the terms and procedures laid down in the relevant legislation. 5. The manner and procedure to be followed for the deletion / destruction of the data on the passenger name register or the results of their processing shall be determined by a joint instruction of the Minister responsible for public order and security and the Commissioner on the right to information and protection of personal data. | Fully aligned |  |

**Tabele of compliance**

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| 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. | | Draft – law “On some amendmmend on Law no. 71/2016, datë 07.07.2016 “On Border Control”  Level of approximation:  partially aligned | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Article | Text | Reference | Article | Text | Compliance | Notes |

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| Article 3/5 | ‘passenger name record’ or ‘PNR’ means a record of each passenger's travel requirements which contains information necessary to enable reservations to be processed and controlled by the booking and participating air carriers for each journey booked by or on behalf of any person, whether it is contained in reservation systems, departure control systems used to check passengers onto flights, or equivalent systems providing the same functionalities; | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 2 | “9. Passenger name register data ”, are the information necessary to enable booking and to carry out checks on any journey booked by and / or on behalf of a person stored in the carrier's booking system, air traffic control systems. launchers used to control passengers or equivalent systems that enable the same functions. ” | Fully aligned |  |
| Article 3.6 | ‘reservation system’ means the air carrier's internal system, in which PNR data are collected for the handling of reservations; | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 2 | “13. "Rezervation system" means the internal air carrier system in which passenger data for booking management is recorded | Fully Aligned |  |
| Article 4/1 | Passenger information unit  1. Each Member State shall establish or designate an authority competent for the prevention, detection, investigation or prosecution of terrorist offences and of serious crime or a branch of such an authority, to act as its passenger information unit (‘PIU’). | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | 1. The Passenger Information Unit, hereinafter NIP, at the General Directorate of State Police carries out the collection, processing, exchange and distribution of passenger name register data. | Fully Aligned |  |
| Article 4/2 | The PIU shall be responsible for:  (a) collecting PNR data from air carriers, storing and processing those data and transferring those data or the result of processing them to the competent authorities referred to in Article 7;  (b) exchanging both PNR data and the result of processing those data with the PIUs of other Member States and with Europol in accordance with Articles 9 and 10. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “Article 19/1/ 2.  NIP administers the Passenger Database and records, the data processing operations relating to:  a) collection;  b) change;  c) consulting;  d) national and international distribution / exchange; | Fully aligned |  |
| Article 4/3 | Staff members of a PIU may be seconded from competent authorities. Member States shall provide the PIUs with adequate resources for them to fulfil their tasks. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “Article 19/1/ 4.  Registrations, according to paragraph 2 of this Article, shall be made available to the Data Protection Officer and the National Supervisory Authority to enable the monitoring of all processing activity, in accordance with the legislation on personal data protection ”. | Fully Aligned |  |
| Article 5/1 | 1. Data protection officer in the PIU 2. The PIU shall appoint a data protection officer responsible for monitoring the processing of PNR data and implementing relevant safeguards. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “Article 19/9.  Data Protection Officer.  NIP shall appoint a Data Protection Officer responsible for monitoring the processing of passenger name register data and the enforcement of personal data protection legislation. ” | Fully Aligned |  |
| Article 5/3 | Member States shall ensure that a data subject has the right to contact the data protection officer, as a single point of contact, on all issues relating to the processing of that data subject's PNR data | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/9.  Any data subject shall have the right to contact the Data Protection Officer as a point of contact for all matters related to the data processing of the data subject's passenger name register. " | Fully Aligned |  |
| Article 6/1 | Processing of PNR data  The PNR data transferred by the air carriers shall be collected by the PIU of the relevant Member State as provided for in Article 8. Where the PNR data transferred by air carriers include data other than those listed in Annex I, the PIU shall delete such data immediately and permanently upon receipt. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19.2  Each air carrier shall transmit the passenger name register data collected during its operation, including passengers with final destination Republic of Albania, as well as those traveling from or through the airports of the Republic of Albania, to NIP"  In cases where the air carrier transmits data other than those specified in paragraph 2 of this Article, NIP shall NIP immediately removes them irrevocably. | Fully aligned |  |
| Article 6/2 | The PIU shall process PNR data only for the following purposes:  (a) carrying out an assessment of passengers prior to their scheduled arrival in or departure from the Member State to identify persons who require further examination by the competent authorities referred to in Article 7, and, where relevant, by Europol in accordance with Article 10, in view of the fact that such persons may be involved in a terrorist offence or serious crime;  (b) responding, on a case-by-case basis, to a duly reasoned request based on sufficient grounds from the competent authorities to provide and process PNR data in specific cases for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime, and to provide the competent authorities or, where appropriate, Europol with the results of such processing; and (c) analysing PNR data for the purpose of updating or creating new criteria to be used in the assessments carried out under point (b) of paragraph 3 in order to identify any persons who may be involved in a terrorist offence or serious crime.  . | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19. 7  1. IP distributes or exchanges, in accordance with the legislation on personal data protection, passenger name registry data or their processing results with international law enforcement agencies with which the Republic of Albania has co-operation agreements, as well as with law enforcement agencies. other countries, where:  a) from the verification or processing of the data in the passenger name register, it results that the data are necessary for the authorities referred to in point 1 of this Article to prevent, detect, investigate or prosecute the offenses established; in point 1 of article 19/3 of this law;  b)authorities referred to in point 1 of this Article have submitted a reasoned request proving that the dissemination / exchange of data is necessary to prevent the commission of the offenses set forth in point 1 of Article 19/3 of this Law. | Fully aligned |  |
| Article 6/3 | When carrying out the assessment referred to in point (a) of paragraph 2, the PIU may:  (a) compare PNR data against databases relevant for the purposes of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, including databases on persons or objects sought or under alert, in accordance with Union, international and national rules applicable to such databases; or  (b) process PNR data against pre-determined criteria. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | 19/1  5. Rules for the operation and use of the Database, as well as the registration, shall be laid down by joint instruction of the Minister responsible for Public Order and Security and the Commissioner on the right to information and protection of personal data. | Fully aligned |  |
| Article 6/4 | Any assessment of passengers prior to their scheduled arrival in or departure from the Member State carried out under point (b) of paragraph 3 against pre-determined criteria shall be carried out in a non-discriminatory manner. Those pre-determined criteria must be targeted, proportionate and specific. Member States shall ensure that those criteria are set and regularly reviewed by the PIU in cooperation with the competent authorities referred to in Article 7. The criteria shall in no circumstances be based on a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation. |  |  |  |  |  |
| Article 6/5 | Member States shall ensure that any positive match resulting from the automated processing of PNR data conducted under point (a) of paragraph 2 is individually reviewed by non-automated means to verify whether thecompetent authority referred to in Article 7 needs to take action under national law. |  |  |  |  |  |
| Article 6/6 | The PIU of a Member State shall transmit the PNR data of persons identified in accordance with point (a) of paragraph 2 or the result of processing those data for further examination to the competent authorities referred to in Article 7 of the same Member State. Such transfers shall only be made on a case-by-case basis and, in the event of automated processing of PNR data, after individual review by non-automated means. |  |  |  |  |  |
| Aticle 6/7 | Member States shall ensure that the data protection officer has access to all data processed by the PIU. If the dataprotection officer considers that processing of any data has not been lawful, the data protection officer may refer the matter to the national supervisory authority. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/9  2 The Data Protection Officer shall communicate to the National Supervisory Authority in any case of violation of the directors' protection of personal service. | Fully aligned |  |
| Article 7/1 | Each Member State shall adopt a list of the competent authorities entitled to request or receive PNR data or the result of processing those data from the PIU in order to examine that information further or to take appropriate action for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “Neni 19/6 Competent Authority  The competent authorities, which are entitled to request, consult, obtain the data of the passenger name register or the results of data processing, with a view to preventing, detecting, investigating and prosecuting criminal offenses under Article 19/3 of this law are:  a) Operational Structures of the State Police;  b) General Directorate of Customs;  c) State Intelligence Service;  d) Army Intelligence Service. | Fully aligned |  |
| Article 7/2 | The authorities referred to in paragraph 1 shall be authorities competent for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “Neni 19/6  The competent authorities, are entitled to request, consult, obtain the data of the passenger name register or the results of data processing, with a view to preventing, detecting, investigating and prosecuting criminal offenses under Article 19/3 of this law. ” | Fully aligned |  |
| Article 7/4 | The PNR data and the result of processing those data received by the PIU may be further processed by the competent authorities of the Member States only for the specific purposes of preventing, detecting, investigating or prosecuting terrorist offences or serious crime. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19.6  3. The competent authorities may process the data received only for the purpose of improving border control, preventing illegal migration, and preventing, detecting, investigating and prosecuting the crimes provided for in point 1 of Article 19/3 of the Criminal Code. this law. " | Fully Aligned |  |
| Article 7/5 | Paragraph 4 shall be without prejudice to national law enforcement or judicial powers where other offences, or indications thereof, are detected in the course of enforcement action further to such processing. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19.6  4.The competent authorities may, in the performance of legal duties, process data obtained for other purposes only if they have information and there are reasonable grounds for suspecting that a crime provided for in the criminal law exists. | Fully Aligned |  |
| Article 8/1 | Member States shall adopt the necessary measures to ensure that air carriers transfer, by the ‘push method’, the PNR data listed in Annex I, to the extent that they have already collected such data in the normal course of their business, to the database of the PIU of the Member State on the territory of which the flight will land or from the territory of which the flight will depart. Where the flight is code-shared between one or more air carriers the obligation to transfer the PNR data of all passengers on the flight shall be on the air carrier that operates the flight. Where an extra-EU flight has one or more stop-overs at airports of the Member States, air carriers shall transfer the PNR data of all passengers to the PIUs of all the Member States concerned. This also applies where an intra-EU flight has one or more stopovers at the airports of different Member States, but only in relation to Member States which are collecting PNR data from intra-EU flights. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | 19/2/ 1. Transmetimi i të dhënave të pasagjerit  “1. Each air carrier shall transmit to the NIP the passenger name register data collected during its operation, including passengers with final destination Republic of Albania, as well as those traveling from or through the airports of the Republic of Albania. "  “3. The data set out in paragraph 2 of this Article shall be transmitted for all scheduled flights, including charter and taxi for non-military purposes, which:  a) depart from the Republic of Albania to other countries of destination;  b) depart from other countries to the Republic of Albania or transit through the Republic of Albania.  “4. Where the flight is performed by a common code between one or more air carriers, the air carrier operating the flight shall be required to transmit to the NIP the data referred to in paragraph 2 of this Article for all passengers on the flight. " | Partially aligned | Transmission of air transport data to NIP is not done via push - method. |
| Article 8/3 | Air carriers shall transfer PNR data by electronic means using the common protocols and supported data formats to be adopted in accordance with the examination procedure referred to in Article 17(2) or, in the event of technical failure, by any other appropriate means ensuring an appropriate level of data security.  24 to 48 hours before the scheduled flight departure time; and (b) immediately after flight closure, that is once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for passengers to board or leave. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/ 2   1. The transmission of passenger name register data by air carriers shall be carried out by electronic means, in accordance with the protocols and formats set out in the Regulation on the processing of passenger name register data. In the event of a technical problem, the passenger data shall be transmitted, using any other means necessary to ensure the appropriate level of data protection, as determined by the joint instruction of the Minister responsible for public order and security and the Commissioner for the right of access. information and protection of personal data ”   “Neni 19/4  1. Deadline for data transmission  Air carriers transmit passenger name register data to NIP:  a) 24 to 48 hours before the scheduled flight departure time, and  b) immediately after the flight closes, when the aircraft is in preparation for departure and it is impossible for passengers to enter or depart, updating data transmitted under letter "a" of this Article. | Fully aligned |  |
| Article 8/5 | Where access to PNR data is necessary to respond to a specific and actual threat related to terrorist offences or serious crime, air carriers shall, on a case by case basis, transfer PNR data at other points in time than those mentioned in paragraph 3, upon request from a PIU in accordance with national law. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/4  Exceptionally from the time limits provided for in point 1 of this article, in exceptional cases, where there is reason to believe that the risk of committing the offenses under point 1 of article 19/3 of this law is real and immediate. and where the transmission of data is necessary for the performance of legal duties by the Competent Authorities, at the request of the NIP, the passenger name register data shall be transmitted immediately. | Fully aligned |  |
| Article 9 | Exchange of information between Member States  Member States shall ensure that, with regard to persons identified by a PIU in accordance with Article 6(2), all relevant and necessary PNR data or the result of processing those data is transmitted by that PIU to the corresponding PIUs of the other Member States. The PIUs of the receiving Member States shall transmit, in accordance with  Article 6(6), the received information to their competent authorities. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19./ 7  International data sharing / exchange  1.NIP shall distribute or exchange, in accordance with the legislation on the protection of personal data, the data of the passenger name register or the results of their processing with international law enforcement agencies with which the Republic of Albania has cooperation agreements, as well as with agencies law enforcers of other countries ”. | Fully aligned |  |
| Article 9/3 | The competent authorities of a Member State may request directly the PIU of any other Member State to provide them with PNR data that are kept in the latter's database only when necessary in cases of emergency and under the conditions laid down in paragraph 2. The requests from the competent authorities shall be reasoned. A copy of the request shall always be sent to the PIU of the requesting Member State. In all other cases, the competent authorities shall channel their requests through the PIU of their own Member State. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/7   1. from the verification or processing of the data in the passenger name register, it results that the data are necessary for the authorities referred to in point 1 of this Article to prevent, detect, investigate or prosecute the offenses established; in point 1 of article 19/3 of this law; 2. "the authorities referred to in point 1 of this article have submitted a reasoned request proving that the distribution / exchange of data is necessary to prevent the commission of the offenses set forth in point 1 of Article 19/3; of this law. ” | Fully aligned |  |
| Article 9/4 | Exceptionally, where access to PNR data is necessary to respond to a specific and actual threat related to terrorist offences or serious crime, the PIU of a Member State shall have the right to request that the PIU of another Member State obtain PNR data in accordance with Article 8(5) and provide it to the requesting PIU. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 |  |  |  |
| Article 12/1 | Period of data retention and depersonalisation  Member States shall ensure that the PNR data provided by the air carriers to the PIU are retained in a database at the PIU for a period of five years after their transfer to the PIU of the Member State on whose territory the flight is landing or departing. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/10 1.  Passenger name register data transmitted by air carriers at NIP shall be stored in the Passenger Database for a period of five years from their transmission ”. | Fully aligned |  |
| Article 12/2 | Upon expiry of a period of six months after the transfer of the PNR data referred to in paragraph 1, all PNR data shall be depersonalised through masking out the following data elements which could serve to identify directly the passenger to whom the PNR data relate: | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/11 Depersonalisation of data ”   1. All PNR data, shall be depersonalized after a period of six months from the transmission through masking out, the following data elements which could serve to directly subject identified to whom refer to the data: 2. name (s), including the names of other passengers in the passenger name data and the number of passengers traveling together;;   b) address and contact details;  c) all information on forms of payment, including billing address, to the extent that it may serve to directly identify the passenger to whom the passenger name data or any other person refers;  d) information for frequent travelers;  e) general information, to the extent that it can serve to directly identify the passenger to whom the passenger name record data refers;  f) prior information of the passenger according to letter "h" of article 19/2 of this law. | Fully aligned |  |
| Article 12/3 | Upon expiry of the period of six months referred to in paragraph 2, disclosure of the full PNR data shall be permitted only where it is:   1. reasonably believed that it is necessary for the purposes referred to in point (b) of Article 6(2) and 2. approved by:   i) a judicial authority; or  (ii) another national authority competent under national law to verify whether the conditions for disclosure are met,subject to informing the data protection officer of the PIU and to an ex-post review by that data protection officer. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/11 depersonalisation of data”  After the expiration of the period of six months specified in paragraph 1 of this Article and anonymisation of data, disclosure of the full data of passenger name is allowed only when there is credible grounds that their disclosure is necessary to the purposes set forth in Article 19/2 of this Law. The disclosure of data is made only after the approval of the request of the head of the structure on which the NIP depends, by the relevant judicial authority. | Fully aligned |  |
| Article 12/4 | Member States shall ensure that the PNR data are deleted permanently upon expiry of the period referred to in paragraph 1. This obligation shall be without prejudice to cases where specific PNR data have been transferred to a competent authority and are used in the context of specific cases for the purposes of preventing, detecting, investigating or prosecuting terrorist offences or serious crime, in which case the retention of such data by the competent authority shall be regulated by national law. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | 2. NIP deletes / destroys passenger name registry data from the Passenger Database after five years have elapsed since their transmission.  3. The NIP deletes / destroys the results of processing the passenger name registry data as soon as it is no longer necessary to inform the Competent Authorities, other law enforcement agencies or international law enforcement agencies with which the Republic of Albania has agreements. cooperation, or are no longer needed to create risk profiles or revise prior control models. | Fully aligned |  |
| Article 13 | Protection of personal data  Each Member State shall provide that, in respect of all processing of personal data pursuant to this Directive, every passenger shall have the same right to protection of their personal data, rights of access, rectification, erasure and restriction and rights to compensation and judicial redress as laid down in Union and national law and in implementation of Articles 17, 18, 19 and 20 of Framework Decision 2008/977/JHA. Those Articles shall therefore apply. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” |  | Percaktohet me udhezim te perbashket te MB dhe Komsionerit per te drejten e informimit. |  |  |
| Article 14 | Penalties  Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. In particular, Member States shall lay down rules on penalties, including financial penalties, against air carriers which do not transmit data as provided for in Article 8 or do not do so in the required format. Sanksionet e përcaktuara duhet të jenë efektive, proporcionale dhe bindëse. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 4 | “Article 21  “gj) does not transmit or transmit incomplete or false data in the passenger name register. "  “6. For the offenses set forth in letter "gj" of point 1 of this article, the carriers shall be fined, by the authority responsible for border control, for each journey, from 500,000 lek up to 1,000,000 lek per passenger whose data are not transmitted, or are incomplete or false.  7. In cases of serious or repeated breaches of obligations arising from Chapter II / 1 of this law, upon the request of the authority responsible for border control, the carrier may be temporarily suspended or revoked by the relevant authorities. | Fully aligned |  |
| Article 15/1 | National supervisory authority  Each Member State shall provide that the national supervisory authority referred to in Article 25 of Framework vDecision 2008/977/JHA is responsible for advising on and monitoring the application within its territory of the provisions adopted by the Member States pursuant to this Directive. Article 25 of Framework Decision 2008/977/JHA shall apply. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/8  National Supervisory Authority  The Commissioner for the Right to Information and Protection of Personal Data supervises and monitors, in accordance with the law on the protection of personal data, the activity of collecting, processing, disseminating and exchanging NIP passenger data. | Fully aligned |  |
| Article 16/1 | All transfers of PNR data by air carriers to the PIUs for the purposes of this Directive shall be made by electronic means that provide sufficient guarantees in respect of the technical security measures and organisational measures governing the processing to be carried out. In the event of a technical failure, the PNR data may be transferred by any other appropriate means provided that the same level of security is maintained and Union data protection law is fully complied with. | Draft – law “On some amenmends and changes on Law no. 71/2016, datë 07.07.2016 “On Border Control” | Article 3 | “19/2   1. The transmission of passenger name register data by air carriers shall be carried out by electronic means, in accordance with the protocols and formats set out in the Regulation on the processing of passenger name data. 2. In the event of a technical problem, the passenger data shall be transmitted, using any other means necessary to ensure the appropriate level of data protection, as determined by the joint instruction of the Minister responsible for public order and security and the Commissioner for data protection. the right to information and the protection of personal data.” | Fully aligned |  |