



**COUNCIL OF
THE EUROPEAN UNION**

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AVIATION 205

COVER NOTE

from: General Secretariat of the Council
to: Council
Subject: Publication of lists of airline passengers in the event of an accident
- Information from the Spanish delegation

Delegations will find attached a revised information note from the Spanish delegation on the above subject, as background for its statement under "Other business" at the TTE Council meeting on 9 October 2008.

**PUBLICATION OF LISTS OF AIRLINE PASSENGERS
IN THE EVENT OF AN ACCIDENT**

In the wake of the terrible accident involving an aircraft belonging to the Spanish airline Spanair on 20 August at Madrid-Barajas airport, an understandable debate has arisen about the publication, by airlines, of lists of passengers killed and injured and, more specifically, about whether publishing such lists could contravene the provisions of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and the Spanish legislation transposing that Directive into our national legal order or whether, on the contrary, priority should be given to the legitimate interest of the relatives of potential passengers and of any victims in being informed sufficiently quickly and accurately.

Spain wishes to notify the other Member States of the issues the event has raised and, accordingly, would suggest that the Commission consider launching a debate within the Community on the advisability of establishing a legal framework which would enable rapid availability of precise lists of the passengers of aircraft involved in an accident; this would require that:

- (a) airlines provide the aviation or airport authorities with an exhaustive and precise list of the passengers and crew on each flight before take-off;
 - (b) clear and concise rules be established regarding availability and publication of passengers' personal data in the special circumstances of an airline accident.
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