



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 July 2007

11493/07

**JAI 366
USA 41
RELEX 536
AVIATION 120
DATAPROTECT 31**

"I/A" ITEM NOTE

from : Presidency
to : Committee of Permanent Representatives/Council

Subject : Agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security (DHS)
-Adoption of the Council Decision concerning the signature of the Agreement

1. On 22 February 2007, the Council adopted a Decision authorizing the Presidency, assisted by the Commission, to open negotiations for an Agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security (DHS).
2. On 29 June 2007, the Committee of Permanent Representatives examined the results of the negotiations and concluded that, subject to scrutiny and parliamentary reservations, there was no objection in principle to submit to the Council a draft Decision authorizing the Presidency to sign the Agreement initialled.

3. The following Member States have indicated that, in order for the Council to conclude this agreement, they will have to comply with the requirements of their constitutional procedure in accordance with Article 24.5 TEU : BE, CZ, DE, ES, LV, LT, HU, NL, PL, FI.

4. The Committee of Permanent Representatives is invited to suggest that the Council :

-adopt, under part "A" of the agenda of its meeting on 23 July 2007, the Decision on the signature of the above Agreement, as set out in document 11596/07 JAI 372 USA 44 RELEX 547 AVIATION 123 DATAPROTECT 33 being understood that the Austrian delegation will abstain.

-decide that the above Decision, together with the Agreement, DHS's letter containing the assurances explaining its safeguarding of PNR and the reply by the Presidency and the Commission to the US Department of Homeland Security, as set out in doc. 11595/07 JAI 371 USA 43 RELEX 546 AVIATION 122 DATAPROTECT 32 be published in the Official Journal, "L" series, in accordance with Article 17(1)(h) of the Council's Rules of Procedures.
