



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 June 2007

10994/07

CRS CRP 23

SUMMARY RECORD

**Subject : Extraordinary meeting of the PERMANENT REPRESENTATIVES
COMMITTEE (Part 2) held in Luxembourg on 12 June 2007**

SUMMARY

Page

1. Adoption of the provisional agenda 3

Coreper Part 2

II

- PNR 4
- AOB 4

0

0 0

1. Adoption of the provisional agenda
CM 2094/07

The above mentioned agenda is approved.

Coreper Part 2

II

- PNR

The Commission presented the state of play of the negotiation.

Ministers Schauble and Secretary Chertoff have agreed on the following, which according to the Commission is fully consistent with the negotiating mandate adopted by the Council :

- Structure of the deal : an Article 24/38 TEU agreement would be concluded between the EU and the US, supplemented by an exchange of letters acknowledging the unilateral undertakings that the Department of Homeland Security (DHS) is ready to adopt to protect the PNR data through a Statement of Record Notice (SORN). The precise nexus between the two is not agreed yet (the US side wants to avoid that the exchange of letters amounts to an agreement).
- PNR data would be kept for 7 years as "active" data and 8 years as "dormant" data.
- DHS would get access to PNR data and not only the Customs and Border Protection Department (CBP).
- The number of accessible data is reduced from 34 to 19.
- There would be a clear commitment to a PUSH system.

Many elements remain open though :

- Where to install the filters to delete the sensitive data (in the EU or in the US) ?
- The oversight mechanism : the Commission suggests to use the figure of the "eminent person" as in the SWIFT file.
- Reciprocity : the US wants to redefine the safeguards if a Member State or the EU were setting up a PNR system with more lenient safeguards.

The IE delegation indicated that its parliament will not be in a position to give any green light in July.

The President of the Committee concluded that the file would be examined by the Committee on 27/6 and submitted to the Council as soon as possible.

- AOB

No items were raised under this heading.