



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 July 2008**

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REV 1**

**JAI 349  
USA 30  
RELEX 477  
AVIATION 132  
DATAPROTECT 47**

**NOTE**

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from : General Secretariat

to : Delegations

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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)

– Declarations made in accordance with Article 24(5) TEU - State of Play

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1. On 23 July 2007, the Council authorised the Presidency to sign the 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). At the time of the adoption of the Council Decision authorising the Presidency to sign the Agreement, the following Member States indicated that, in order for the Council to conclude this Agreement, they would have to comply with the requirements of their constitutional procedures in accordance with Article 24(5) TEU: BE, CZ, DE, ES, LV, LT, HU, MT, NL, PL and FI (*12015/07 JAI 397 USA 48 RELEX 583 AVIATION 135 DATAPROTECT 36*).

2. The attached table gives an overview of the state of play regarding these procedures. The Member States concerned are kindly invited to send any updated information to the General Secretariat, to the attention of Mr Guy Stessens ([guy.stessens@consilium.europa.eu](mailto:guy.stessens@consilium.europa.eu), + 32 (0) 2 281.67.11).

<b>MEMBER STATE</b>	<b>Nature of the constitutional procedures regarding the EU-US Agreements</b>	<b>When do you expect to have gone through your constitutional procedures for the EU-US Agreements</b>
<b>Belgium</b>	Ratification	Ratification Bill will be submitted to Parliament in Autumn 2008
<b>Czech Republic</b>	Ratification	Ratification Bill in the Senate
<b>Germany</b>	Ratification	The implementation law has entered into force on the 30th of December 2007.
<b>Spain</b>	Parliamentary approval	Due to parliamentary elections on March 2008, the procedure had to be re-launched. A Bill will be submitted to Parliament in next months.
<b>Latvia</b>		Finalised (5 June 2008).
<b>Lithuania</b>	Ratification	The law on the ratification of the Agreement shall be submitted to the Parliament (Seimas) by the Government of the Republic of Lithuania in a few months.
<b>Hungary</b>		Legal instrument on the approval of the Parliament is being prepared
<b>Finland</b>		finalised
<b>Netherlands</b>	Approval by both Chambers is required, following which ratification can ensue.	A draft Bill has been prepared to that end and will be transmitted to the State Council for advice. Following this advice, the Bill will be presented to Parliament. The procedure is likely to be finalised by end 2008.
<b>Poland</b>	Ratification	Bill will be submitted to Parliament at the beginning of July