



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 June 2008

11163/08

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

NOTE

from : General Secretariat
to : Delegations

No. prev. doc. : 5462/08 CATS 3 COPEN 8 USA 3

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

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).
2. 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*).

3. By CM 702/08 of 21 February 2008, the above delegations were kindly requested to provide the Council Secretariat with the following information:

when they have or will have finalised their constitutional procedures; and
the nature of these procedures (parliamentary approval, ratification, etc).

4. The attached table gives an overview of the state of play regarding these two questions. The Member States concerned are kindly invited to send the missing or updated information to the General Secretariat, to the attention of Mr Guy Stessens (guy.stessens@consilium.europa.eu, + 32 (0) 2 281.67.11), by 10 July 2008.

MEMBER STATE	Nature of the constitutional procedures regarding the EU-US Agreements	When do you expect to have gone through your constitutional procedures for the EU-US Agreements
Belgium		
Czech Republic		Ratification Bill in the Senate
Germany	Ratification	The implementation law has entered into force on the 30th of December 2007.
Spain		
Latvia		
Lithuania		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.
Hungary		Legal instrument on the approval of the Parliament is being prepared
Finland		finalised
Netherlands	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.
Poland	Ratification	Bill will be submitted to Parliament at the beginning of July