



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 January 2009

5311/09

**JAI 20
USA 3
RELEX 43
AVIATION 1
DATAPROTECT 1**

NOTE

from : General Secretariat
to : Delegations

No. prev. doc. : 11163/2/08 REV 2 JAI 349 USA 30 RELEX 477 AVIATION 132
DATAPROTECT 47

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). 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. Those Member States that still have to finalise their domestic proceedings, are kindly invited to send updated information to the General Secretariat, to the attention of Mr Guy Stessens (guy.stessens@consilium.europa.eu, + 32 (0) 2 281.67.11).

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	Ratification	Ratification Bill will be submitted to Parliament at the beginning of 2009.
Czech Republic	Ratification	Ratification Bill in the Senate
Germany	Ratification	The implementation law has entered into force on the 30th of December 2007.
Spain	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.
Latvia		Finalised (5 June 2008).
Lithuania	Ratification	Finalised (26 June 2008).
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 Bill has been transmitted to the State Council for advice and has been presented to Parliament.
Poland	Ratification	Bill has been submitted to Parliament on 27 June 2008