



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 13 October 2006
(OR. en)**

13835/06

**JAI 510
USA 86
RELEX 672
AVIATION 160
DATAPROTECT 38**

Subject : Reply by the Council Presidency and the Commission to the letter from
 the USA's Department of Homeland Security

**Reply by the Council Presidency and the Commission
to the letter from the USA's Department of Homeland Security**

**COUNCIL OF
THE EUROPEAN UNION**

The Presidency

Brussels,

Stewart Baker
Assistant Secretary for Policy
U.S. Department for Homeland Security
Washington DC 20528

Dear Stewart,

On 11 October 2006 we received, by electronic transmission, your letter to the Council Presidency and the Commission, concerning the interpretation of certain provisions of the Undertakings issued by DHS on 11 May 2004 in connection with the transfer by air carriers of passenger name record (PNR) data.

While taking note of the content of your letter, we wish to reaffirm the importance that the EU and its Member States attach to respect for fundamental rights, in particular to the protection of personal data.

The commitments of DHS to continue to implement the Undertakings allow the EU to deem that, for purposes of the implementation of the Agreement, it ensures an adequate level of data protection.

Yours sincerely,

Irma ERTMAN

Jonathan FAULL