



**COUNCIL OF
THE EUROPEAN UNION**

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RELEX 108
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COVER NOTE

from:	Mr Jon CUNLIFFE, The Permanent Representative of the United Kingdom to the European Union
date of receipt:	8 February 2011
to:	Mr Morten Bødskov, President of the Justice and Home Affairs Council, Council of the European Union

No. prev. doc.:	17432/11 JAI 860 USA 83 RELEX 1232 DATAPROTECT 137
Subject:	Council Decision on the signing of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security

Delegations find annexed a letter from Sir Jon Cunliffe, Permanent Representative of the United Kingdom to the European Union, by which the United Kingdom notifies its intention of accepting the Council Decision on the signing of the Agreement between the European Union and the United States of America on the use and transfer of Passenger Name Record (PNR) data to the United States Department of Homeland Security, which was adopted by the Council on 13 December 2011.

As this notification has been done under Article 4 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, the procedure of Article 331(1) of the Treaty on the Functioning of the European Union applies *mutatis mutandis*. Accordingly the Commission has four months to confirm the participation of the United Kingdom in the above Council Decision.

(Complimentary close)

(signed) Jon CUNLIFFE

The purpose of this letter is to communicate the United Kingdom's formal notification, in accordance with Article 4 of the Protocol (No 21) to the Treaties on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, that it wishes to accept the Council Decision on the signature of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security (COM (2011) 805 final).

I am copying this letter to Uwe Corsepius, Secretary General of the Council.
