



**COUNCIL OF  
THE EUROPEAN UNION**



Luxembourg, 26 April 2012  
9186/12  
PRESSE 173

### **Council adopts new EU-US agreement on Passenger Name Records (PNR)**

The Council adopted today a decision on the conclusion of a new EU-US PNR agreement ([17434/11](#)) which will replace the existing one, provisionally applied since 2007. On 19 April 2012, the European Parliament gave its consent. The agreement will most likely enter into force on 1 June 2012.

The goal of the agreement is to set a legal framework for the transfer of Passenger Name Records (PNR) data by carriers operating passenger flights between the European Union and the United States to the US Department of Homeland Security (DHS) and the subsequent use of that data by the US DHS. The goal is to prevent, detect, investigate and prosecute terrorist offenses and related crimes as well as other serious cross-border crimes punishable by a sentence of imprisonment of at least three years.

#### **Why a new agreement?**

The EU currently has agreements on the transfer and use of passenger name records (PNR) with Australia, Canada and the United States of America. In May 2010, the European Parliament decided to postpone its vote on the request for consent on these existing PNR agreements with the US and Australia. These two agreements have therefore not been concluded and have been applied on a provisional basis since 2007 and 2008, respectively. In a resolution, Parliament demanded that new agreements should be negotiated with the US and Australia as well as with Canada, with which a PNR agreement has been in force since 2006.

While the PNR agreement with Australia has been concluded ([10093/11](#)), the negotiations with Canada are still ongoing.

# **P R E S S**

## **Main elements of the EU-US agreement**

The main aspects of the new PNR agreement with the US are:

- a strict purpose limitation, the use of PNR data being limited to the prevention, detection, investigation and prosecution of terrorist offences or transnational crime;
- a legally binding commitment from the US Department of Homeland Security to inform the Member States and EU authorities of any EU relevant intelligence leads flowing from the analysis of these PNR data;
- a robust data protection regime with strong data security and integrity requirements;
- rights of access, rectification and erasure and the possibility to obtain administrative and judicial redress;
- a limited usage of PNR data for a period of ten years for transnational crime and 15 years for terrorism. After 6 months personally identifiable information of PNR data will be masked out and after five years PNR data will be moved to a dormant database with additional controls.

## **Background**

Concerning PNR agreements with third countries, the Commission issued in September 2010 a communication on the global approach to transfers of PNR data to third countries ([13954/10](#)).

Responding to a request by the Council, the Commission also tabled in February 2011 a proposal for a EU PNR system for protection against terrorist offences and serious crime ([6007/11](#)).

PNR data is the information voluntarily provided by passengers and collected by air carriers during the reservation and check-in procedures. It includes information such as name, dates of travel and travel itinerary, ticket information, address and phone numbers, means of payment used, credit card number, travel agent, seat number and baggage information.