



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 September 2012

**15083/10
EXT 2**

**JAI 860
USA 112
CDN 14
AUS 15
DATAPROTECT 75
AVIATION 166
RELEX 873**

PARTIAL DECLASSIFICATION

of document: 15083/10 RESTREINT UE

dated: 18 October 2010

new status: Public

Subject: Draft Council decision authorising the opening of negotiations for an agreement between the European Union and Australia / Canada / the United States of America for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime

Delegations will find attached the partially declassified version of the above-mentioned document.



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 October 2010

**15083/10
EXT 2 (17.09.2012)**

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NOTE

from:	Presidency
to:	JHA Counsellors/Coreper
prev.doc :	13931/10 JAI 761 USA 108 DATAPROTECT 64 AVIATION 128 RELEX 785 RESTREINT UE 13932/10 JAI 762 AUS 14 DATAPROTECT 65 AVIATION 129 RELEX 786 RESTREINT UE 13933/10 JAI 763 CDN 12 DATAPROTECT 66 AVIATION 130 RELEX 787 RESTREINT UE
Subject:	Draft Council decision authorising the opening of negotiations for an agreement between the European Union and Australia / Canada / the United States of America for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime

Delegations will find attached a draft Council decision authorising the opening of negotiations for Agreements between the European Union and Australia / Canada / the United States of America for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime. Attached to this draft decision, is a redrafted version of the negotiating guidelines proposed by the Commission.

In keeping with the outcome of the Council discussions on 7 October 2010, the Presidency has opted to work on a single ‘master copy’ of the negotiating guidelines, as these will be identical for the PNR Agreements with Australia, Canada and the United States. However, eventually the Council will of course adopt three separate Decisions in order to authorise the opening of negotiations with each of the three countries.

The text of this draft Council decision and the annexed negotiating guidelines are obviously subject to a general scrutiny reservation by all delegations. **NOT DECLASSIFIED** stated that the discussion and eventual adoption of these negotiation mandates should be without prejudice to the discussions on a future Commission proposal for a Directive on a European PNR system. **NOT DECLASSIFIED** indicated that the PNR negotiation mandates and the agreements to be negotiated further to these mandates should not curtail the possibility of the European Union and its Member States to develop their own system of collecting and processing PNR data. **NOT DECLASSIFIED** drew delegations’ attention to the interplay between this file and other files, in particular the ongoing discussion of a draft negotiation mandate for an EU-US Data Protection Agreement and the future discussions on the revision of the EU Data Protection Directive.

**DECISION OF THE COUNCIL AUTHORISING THE OPENING OF NEGOTIATIONS
FOR AN AGREEMENT BETWEEN THE EUROPEAN UNION AND
AUSTRALIA/CANADA/THE UNITED STATES OF AMERICA ON THE TRANSFER OF
PASSENGER NAME RECORD (PNR) DATA TO PREVENT AND COMBAT
TERRORISM AND OTHER SERIOUS TRANSNATIONAL CRIME**

THE COUNCIL OF THE EUROPEAN UNION

HAVING regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) thereof,

HAVING regard to the recommendation from the Commission,

WHEREAS negotiations should be opened with a view to concluding an agreement between the European Union and Australia / Canada / the United States of America for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime,

HAS ADOPTED THIS DECISION,

Article 1

1. The Commission is hereby authorised to open negotiations on behalf of the European Union for an agreement between the European Union and Australia / Canada / the United States of America for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime.
2. The negotiations shall be conducted on the basis of the negotiating directives in the Annex.

Article 2

COREPER shall designate a Working Party of the Council to assist the negotiator in its task as the special committee in consultation with which the negotiations are to be conducted in accordance with Article 218(4) of the Treaty on the Functioning of the European Union. The Commission shall report regularly to the special committee on the progress of the negotiations and shall forward all negotiating documents without delay to this special committee.

Article 3

This Decision is addressed to the Commission.

Done at....

For the Council

The President

NOT DECLASSIFIED FROM THIS POINT UNTIL THE END OF THE DOCUMENT

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