



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data

COUNCIL DECISION No.../2013/EU

of...

**on the signing, on behalf of the Union,
of the Agreement between Canada and the European Union
on the transfer and processing
of Passenger Name Record data**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (d) of Article 82(1) and point (a) of Article 87(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 2 December 2010, the Council adopted a Decision, together with negotiation directives, authorising the Commission to open negotiations on behalf of the European Union with Canada for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime.
- (2) The Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data (the "Agreement") has been negotiated. The negotiations were successfully concluded by the initialling of the Agreement.
- (3) The Agreement should be signed subject to its conclusion at a later date.
- (4) The Agreement respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the "Charter"), in particular the right to private and family life, recognised in Article 7 of the Charter, the right to the protection of personal data, recognised in Article 8 of the Charter and the right to effective remedy and fair trial recognised by Article 47 of the Charter. The Agreement should be applied in accordance with those rights and principles.

- (5) In accordance with Article 3 of Protocol No 21 on the Position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption of this Decision.
- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by the Agreement or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of Union of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data is hereby authorised, subject to the conclusion of the said Agreement¹, at a later date.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement on behalf of the Union.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council

The President

¹ The text of the Agreement will be published together with the Decision on its conclusion.