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Signature of the EU-Canada agreement on Passenger Name Records (PNR)

The EU and Canada signed today their new agreement on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Canadian competent authorities ([12657/1/13 REV 1](#)). It will replace the existing agreement from 2006.

The goal of the agreement is to set a legal framework for the transfer of PNR data by carriers operating passenger flights between the European Union and Canada to the Canadian competent authority and the subsequent use of that data by these authorities. The data may be used to prevent, detect, investigate and prosecute terrorist offenses or serious transnational crimes.

Theodoros N. Sotiropoulos, Ambassador, Permanent Representative of the Hellenic Republic to the EU, signed on behalf of the EU. For Canada, the agreement was signed by Luc Portelance, President of the Canada Border Services Agency

The European Parliament will now be asked to give its consent to the agreement, which is necessary before the Council can adopt its decision on the conclusion of the agreement.

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/press>

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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. In a resolution, the 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.

The new agreements with [Australia](#) and the [United States of America](#) were signed in 2011 and, after having received the approval from the EP, entered into force respectively on 1 June and 1 July 2012.

Main elements of the agreement

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

- a strict purpose limitation, the use of PNR data being limited to the prevention, detection, investigation and prosecution of terrorist offences or serious transnational crime;
- a legally binding commitment from the Canadian authorities 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 and immediate masking of sensitive data (which may be used only when indispensable in case an individual's life is in peril or there is a risk of serious injury);
- rights of access, rectification and erasure and the possibility to obtain administrative and judicial redress;
- a limited storage of PNR data for a period of five years; after thirty days Canada shall depersonalise the PNR through masking the names of all passengers and after two years it shall mask all elements of PNR data which could lead to the identification of passengers.

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 January 2011 a proposal for a EU PNR system for protection against terrorist offences and serious crime ([6007/11](#)). The Council adopted its general approach (8916/12) already in April 2012 and is waiting for the position of the European Parliament to enter into negotiations.

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.
