



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 December 2013

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REV 1

JAI 1022
CDN 15
RELEX 1038
DATAPROTECT 171

“A” ITEM NOTE

from: General Secretariat
to: Council

No. prev. doc.: 12652/13 JAI 657 CDN 11 DATAPROTECT 112 AVIATION 116 RELEX 695
12653/13 JAI 658 CDN 12 DATAPROTECT 113 AVIATION 117 RELEX 696
12657/13 JAI 659 CDN 13 DATAPROTECT 114 AVIATION 118 RELEX 697

Subject: - Council Decision on the signing, on behalf of the European Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data - Adoption
- Council Decision on the conclusion , on behalf of the European Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data - Request by the Council for the consent of the European Parliament

1. On 26 August 2013 the Commission submitted to the Council two proposals, one for a Council Decision on the signing, on behalf of the European Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data and a second one for a Council Decision on conclusion of this Agreement.
2. On 18 November 2013, Ireland notified the Council that it intended to participate in the adoption of the decision on signing of this Agreement.¹

¹ 16420/13 JAI 1023 CDN 16 RELEX 1039 DATAPROTECT 172.

3. On 26 November 2013, the United Kingdom notified the Council that it intended to participate in the adoption of the decision on signing of this Agreement.¹
4. In view of the above, the Council is invited:
- to adopt, with Germany (...) abstaining from voting, the decision on signing as contained in J/L document 12653/13 JAI 658 CDN 12 DATAPROTECT 113 AVIATION 117 RELEX 696 + REV 1 (fi);
 - to decide to enter in the minutes of the Council the statement made by Denmark upon adoption of this Decision, contained in the Annex to this note; and
 - once the Agreement has been signed, to forward the draft decision on conclusion as contained in J/L document 12652/13 JAI 657 CDN 11 DATAPROTECT 112 AVIATION 116 RELEX 695 AVIATION 117 RELEX 696 + REV 1 (fi) as well as the text of the Agreement as contained in J/L document 12657/13 JAI 659 CDN 13 DATAPROTECT 114 AVIATION 118 RELEX 697, 16257/1/13 REV 1 (en), 16257/2/13 REV 2 (fi) and 12657/3/13 REV 3 (fr) to the European Parliament for its consent.

¹ 16423/13 JAI 1024 CDN 17 RELEX 1040 DATAPROTECT 173.

STATEMENT BY DENMARK

"In accordance with Article 29 of the Agreement the European Commission may notify Canada that Denmark has chosen to be bound by the Agreement.

The European Commission's notification to Canada concerning Denmark can only take place if Denmark, in accordance with its constitutional requirements, has taken the steps necessary for it to be bound by agreements of the European Union in the area of Freedom, Security and Justice. Until then Denmark is not bound by the Agreement or subject to its application in accordance with Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty of the Functioning of the European Union."
