



Brussels, 4 February 2020
(OR. en)

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IXIM 5
RELEX 35
DATAPROTECT 8
AVIATION 8
JAI 35
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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Council Decision authorising the opening of negotiations for an Agreement between the European Union and Japan for the transfer and use of Passenger Name Record (PNR) data
– Statements by Ireland and the Commission

Statement by Ireland

The Irish delegation notes that it is intended that Coreper/Council will make a decision authorising the opening of negotiations for an Agreement between the European Union and Japan for the transfer and use of Passenger Name Record less than 3 months after presentation of this proposed decision to the Council.

In these exceptional circumstances, mindful of the importance of the proposed Council Decision and in acknowledgement of the need to allow its speedy adoption, the Irish delegation will not insist, in this instance, upon its right to have 3 months within which to exercise Ireland's option to notify the President of the Council of its wish to participate in the adoption and application of the proposed Council Decision in accordance with the provisions of Article 3 of Protocol 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.

Statement by Commission

The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.
