



Council of the
European Union

187842/EU XXVII. GP
Eingelangt am 07/06/24

Brussels, 7 June 2024
(OR. en)

8897/24

Interinstitutional File:
2024/0051(NLE)

IXIM 108
ENFOPOL 181
JAIEX 29
AVIATION 76
CDN 5

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, 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 (EU) 2024/...

of ...

**on the conclusion, 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 Articles 16(2) and Article 87(2), point (a), in conjunction with Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of [date] (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) 2024/...²⁺, the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data (the ‘Agreement’) was signed on ...⁺⁺, subject to its conclusion at a later date.
- (2) The Agreement provides for the transfer of passenger name record data to Canada for the purposes of preventing, detecting, investigating and prosecuting serious crime and terrorism.
- (3) The Agreement ensures full respect for the Charter of Fundamental Rights of the European Union, as interpreted by the Court of Justice of the European Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial as recognised in Articles 7, 8 and 47, respectively, thereof. In particular, the Agreement includes adequate safeguards for the protection of personal data transferred under it.

² Council Decision (EU) 2024/... 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 (OJ L, ..., ELI: ...).

⁺ OJ: please insert the reference number for the Decision set out in ST 8895/24 and complete the corresponding footnote.

⁺⁺ OJ: please insert the date of signing of the Agreement set out in ST 8896/24.

- (4) 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 to the Treaty on the Functioning of the European Union, Ireland has notified , by letter of 25 April 2024, its wish to take part in the adoption and application of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to 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 it or subject to its application.
- (6) The European Data Protection Supervisor delivered its Opinion 15/2024 on 29 April 2024.
- (7) The Agreement should be approved.
- (8) In accordance with the Treaties, the Commission should make the notifications provided for in Article 31 of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data is hereby approved on behalf of the Union³⁺.

Article 2

The Commission shall proceed, on behalf of the Union, to make the notification provided for in Article 31 of the Agreement, in order to express the consent of the Union to be bound by the Agreement⁴.

Article 3

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

Done at ..., ...

For the Council

The President

³ The text of the Agreement is published in OJ ...

⁺ OJ: please insert the OJ reference for the agreement set out in ST 8896/24 in the preceding footnote.

⁴ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.