



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 12 November 2013
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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 No.../2013/EU

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 point (d) of 82(1) and point (a) of 87(2), in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

After consulting the European Data Protection Supervisor,

¹ OJ L....

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) In accordance with Council Decision 2013/of ...¹ the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data (the "Agreement") has been signed, subject to its conclusion at a later date.
- (3) The Agreement should be approved.
- (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.

¹ OJ : please insert a number, date and the publication reference for decision in doc. ST12653/13.

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

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 30 of the Agreement¹.

Article 3

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at

For the Council
The President

¹ 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.