



Brussels, 18 April 2016
(OR. fr)

7829/16

**Interinstitutional File:
2011/0023 (COD)**

**CODEC 422
GENVAL 47
AVIATION 63
DATAPROTECT 29
ENFOPOL 104**

'I/A' ITEM NOTE

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

Subject: Draft Directive of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime
(First reading)
- Adoption of the legislative act **(LA + S)**

1. On 3 February 2011, the Commission submitted its proposal¹, based on Article 82(1)(d) and Article 87(2)(a) TFEU^{2 3}, to the Council.
2. The European Data Protection Supervisor delivered his opinion on 25 March 2011⁴.
The European Economic and Social Committee delivered its opinion on 5 May 2011⁵.
The Committee of the Regions was consulted.

¹ 6007/11.

² 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, those Member States have notified their wish to take part in the adoption and application of this Directive.

³ In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁴ OJ C 181, 22.6.2011, p. 24.

⁵ OJ C 218, 23.7.2011, p. 107.

3. The European Parliament adopted its position at first reading on the Commission proposal on 14 April 2016. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council¹.
4. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council:
 - approve the European Parliament's position as set out in PE-CONS 71/15 as an 'A' item at a forthcoming meeting;
 - order that the statement in the addendum to this note be entered in the minutes of that meeting.

If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.

¹ 7823/16.