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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	7315/24 + ADD 1; 7323/24 + ADD 1
Subject:	<p>Proposal for a Council Decision on the signing, on behalf of the European Union, of an agreement between Canada and the European Union on the transfer and processing of Passenger Name Record (PNR) data</p> <p>– Adoption</p> <p>Proposal for a Council Decision on the conclusion, on behalf of the European Union, of an agreement between Canada and the European Union on the transfer and processing of Passenger Name Record (PNR) data</p> <p>– Request for the consent of the European Parliament</p>

1. On 19 October 2017, the Commission submitted a recommendation for a Council Decision authorising the opening of negotiations on an Agreement between the European Union and Canada for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime.
2. On 7 December 2017, the Council adopted a Decision authorising the opening of negotiations for an Agreement and gave the Commission the necessary negotiating directives. The European Parliament (EP) was informed in line with Art 218 (10) TFEU on 11 December 2017.

3. The negotiations started on 20 June 2018 and were successfully concluded with the initialling of the agreement on 27 November 2023.
4. On 4 March 2024, the Commission submitted to the Council a proposal for a Council Decision on the signing, on behalf of the European Union, of an agreement between Canada and the European Union on the transfer and processing of Passenger Name Record (PNR) data¹, and a proposal for a Council Decision on the conclusion, on behalf of the European Union, of an agreement between Canada and the European Union on the transfer and processing of Passenger Name Record (PNR)².
5. Delegations confirmed their agreement on the proposals at a meeting of the Working Party on JHA Information Exchange (IXIM) on 13 March 2024.
6. On 25 April 2024, Ireland notified the General Secretariat of the Council that it wishes to take part in the adoption and application of the proposed Council Decisions.³
7. In accordance with Article 218(6)(a) TFEU, the consent of the European Parliament is required before the Council adopts the Decision on the conclusion of the agreement.
8. In light of the above, and subject to confirmation by the Permanent Representatives' Committee, the Council is invited to:
 - a) adopt, as an "A" item, the Decision on the signing, on behalf of the European Union, of an agreement between Canada and the European Union on the transfer and processing of Passenger Name Record (PNR) data, as finalised by the legal-linguistic experts (doc. 8895/24 and doc. 8896/24);
 - b) note that the European Parliament will be informed in accordance with Article 218(10) TFEU and that the Council Decision on the signing will be transmitted to the European Parliament; and

¹ 7315/24 + ADD 1
² 7323/24 + ADD 1.
³ 9352/24

- c) decide to forward the draft Decision on the conclusion of the agreement, as set out in document 8897/24 finalised by the legal linguists, to the European Parliament for its consent.
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