

**Brussels, 18 November 2019**  
**(OR. en)**

**14008/19**

**AVIATION 223**  
**RELEX 1029**  
**DAPIX 335**

**'I/A' ITEM NOTE**

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| From:           | General Secretariat of the Council   |
| To:             | Permanent Representatives Committee/Council  |
| No. prev. doc.: | ST13192/1/19 REV 1   |
| Subject:        | Council Decision on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization, in respect of the revision of Chapter 9 of Annex 9 ('Facilitation') to the Convention on International Civil Aviation with regard to standards and recommended practices on passenger name record data |

1. On 13 September 2019, the Commission transmitted to the Council a proposal for a Council decision on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization, in respect of the revision of Chapter 9 of Annex 9 ('Facilitation') to the Convention on International Civil Aviation with regard to standards and recommended practices on passenger name record data.
2. The above-mentioned proposal was examined by the Aviation Working Party on 26 September, 24 October and 14 November 2019. Delegations expressed their overall support for the proposal and the recommended EU position and provided comments. On that basis, the Presidency prepared the compromise text as set out in document 14014/19 (revised by the lawyer-linguists).
3. The UK takes the view that, in line with the terms of Protocol No. 21 to the EU Treaties, the UK and Ireland's Justice and Home Affairs opt-in applies to all proposals for EU legislation which cite a legal base in the Justice and Home Affairs section of the TFEU, and, therefore, to this Council Decision as well.

4. In light of the above and subject to confirmation by COREPER, the COUNCIL is invited to adopt the decision as set out in document 14014/19 and to endorse the recommended EU position therein in one of its upcoming sessions, so that it can be used as the basis for the interventions of the representatives of the EU Member States which are members of the ICAO Council at its upcoming meetings.
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