



Council of the  
European Union

Brussels, 22 January 2021  
(OR. en)

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**Interinstitutional File:  
2021/0007(NLE)**

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**AVIATION 14  
ICAO 5  
IXIM 22  
RELEX 31**

**'I' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)

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No. Cion doc.: 5105/21 + ADD 1  
No. prev. doc.: 5317/21 + ADD 1 REV 1

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Subject: 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  
– Decision to use the written procedure for adoption

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1. On 23 June 2020, during its 220th Session, the Council of the International Civil Aviation Organisation (ICAO) adopted Amendment 28 to Annex 9 to the Chicago Convention. Annex 9 lays down international standards on Facilitation and its Chapter 9, Section D relates specifically to Passenger Name Record (PNR).
2. On 17 July 2020, ICAO sent State Letter EC 6/3-20/71 requesting the ICAO Contracting States to notify ICAO of any disapproval to the Amendment, in accordance with Article 90 of the Chicago Convention, and of any differences to the Amendment that may arise, in accordance with Article 38 of the Chicago Convention.

3. On 12 January 2021, the Commission submitted a proposal for a Council decision on the position to be taken on behalf of the EU in reply to ICAO State letter. The proposal was discussed at the Aviation Working Party on 14 January 2021.
4. Delegations expressed their overall support for the recommended EU position and provided comments.
5. In light of the above, the Permanent Representatives Committee is invited:
  - to confirm its agreement on the text of the Council decision as set out in document JL 5386/21 as revised by the lawyer-linguists,
  - to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council uses the written procedure for its adoption.

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