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From:	Spanish delegation
To:	Council
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Subject:	Information by the Commission on the PNR legislation adopted by Mexico and the Republic of Argentina requesting the transfer of PNR data from the EU

After the negotiation of PNR agreements with the United States, Canada and Australia, an increasing number of third countries have started asking for the transfer of PNR data from the EU without similar agreements in force: Russia, Mexico, United Arab Emirates, South Korea, Brazil, Japan, and Saudi Arabia.

Mexico adopted PNR legislation in 2012 requesting the transfer of passenger data from the air carriers that operate in the country. To this day, the legislation has not entered into force as Mexico has postponed its application on three occasions. The **present moratorium will expire on the 1st of April** and carriers will have to face financial sanctions of up to 30.000 dollars per flight if they do not comply and transfer the required passenger data.

Until today, Mexico has given proof of flexibility to the EU, postponing the entry into force of the legislation and reducing the amount of the sanctions. However it has clearly stated that it will not extend the actual moratorium unless the EU commits to negotiating a PNR agreement setting the legal framework for the transfer of PNR data.

The **Republic of Argentina** has also adopted new PNR legislation on 24 September 2014 which will enter into force on 24 March 2015.

In the absence of a PNR agreement with the EU, guaranteeing that the transfer of data complies with European legislation on data protection, air carriers cannot transmit the information without risking infringing EU law and in consequence will have to face **financial sanctions**.

México and Argentina are strategic partners for the EU in Latin America and important markets both for tourism investments and for our airline companies. It is therefore **urgent to address the present situation** and find a solution in dialogue with the Mexican and Argentinian authorities to what constitutes an irritant in their relations with the EU.

In this respect, Spain considers that the Commission and the EEAS should engage urgently in a **constructive dialogue with the Mexican and Argentinian authorities** in order to convey the willingness of the EU to negotiate the necessary agreements and obtain a moratorium in the implementation of the PNR legislation taking into account that it will have serious repercussions for the legal certainty and economic interests of our air carriers. Such a dialogue is urgent all the more taking into account that Mexico has already postponed its application three times. In this context, Spain invites the Commission to present to the Council the required proposals for negotiation mandates or other appropriate legal instrument to start negotiations with both countries.