Council of the European Union

Brussels, 12 March 2024
(OR. en)

Interinstitutional File: 2022/0424(COD)

7278/24
COR 1

LIMITE

IXIM 75
ENFOPOL 107
FRONT 69
AVIATION 48
DATAPROTECT 121
JAI 385
COMIX 119
CODEC 660

PUBLIC

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	10701/23
No. Cion doc.:	15720/22
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the collection and transfer of advance passenger information (API) for enhancing and facilitating external border controls, amending Regulation (EU) 2019/817 and Regulation (EU) 2018/1726, and repealing Council Directive 2004/82/EC – *Provisional compromise agreement*

1. On page 2 of document 7278/24 INIT, in the preamble, instead of:

"~~After transmission of the draft legislative act to the national parliaments,~~"

should read as follows:

"After transmission of the draft legislative act to the national parliaments,"

2. On page 39 of document 7278/24 INIT, Article 6(2), instead of:

"2. Air carriers shall transfer the API data ~~both at the moment of check-in and immediately after flight closure, that is, once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for passengers to board or to leave the aircraft.~~***:***

(a) for passengers:

(i) for all members of the crew immediately after flight closure, that is, once the crew is on board the aircraft in preparation for departure and it is no longer possible for them to leave the aircraft;

(ii) for all boarded passengers immediately after flight closure, that is, once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for passengers to board or to leave the aircraft;

(b) for all members of the crew immediately after flight closure, that is, once the crew is on board the aircraft in preparation for departure and it is no longer possible for them to leave the aircraft."

should read as follows:

"2. Air carriers shall transfer the API data ~~both at the moment of check-in and immediately after flight closure, that is, once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for passengers to board or to leave the aircraft.~~***:***

(a) per passenger at the moment of check-in, but not earlier than 48 hours prior to the scheduled departure time, and:

(b) for all boarded passengers immediately after flight closure, that is, once the passengers have boarded the aircraft in preparation for departure and it is no longer possible for passengers to board or to leave the aircraft."

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