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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the signing, on behalf of the Union, of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data

COUNCIL DECISION (EU) 2024/…

of …

on the signing, on behalf of the Union,
of the Agreement between Canada and the European Union
on the transfer and processing of Passenger Name Record data

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) and Article 87(2), point (a), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 7 December 2017, the Council authorised the Commission to open negotiations with Canada for an Agreement on the transfer and processing of passenger name record (PNR) data to prevent and combat terrorism and other serious transnational crime.

(2) The negotiations on an Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data (the ‘Agreement') were successfully completed in July 2023. The text of the Agreement was initialled on 27 November 2023.

(3) The Agreement provides for the transfer of PNR data to Canada for the purposes of preventing, detecting, investigating and prosecuting serious crime and terrorism.

(4) The Agreement ensures full respect for the Charter of Fundamental Rights of the European Union, as interpreted by the Court of Justice of the European Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial as recognised in Articles 7, 8 and 47, respectively, thereof. In particular, the Agreement includes adequate safeguards for the protection of personal data transferred under it.

(5) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified , by letter of 25 April 2024 , its wish to take part in the adoption and application of this Decision.

(6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(7) The European Data Protection Supervisor delivered its Opinion 15/2024 on 29 April 2024.

(8) The Agreement should be signed.

(9) In accordance with the Treaties, the Commission should ensure the signing of the Agreement, subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data is hereby authorised, subject to the conclusion of the said Agreement[1].

Article 2

The Commission shall ensure the signing of the Agreement, subject to its conclusion.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at …, …

For the Council
The President

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1 The text of the Agreement will be published together with the decision on its conclusion.