

## COUNCIL DECISION 2007/551/CFSP/JHA

of 23 July 2007

**on the signing, on behalf of the European Union, of an Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR Agreement)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Whereas:

- (1) The Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) concluded on 19 October 2006 <sup>(1)</sup> expires no later than 31 July 2007 unless extended by mutual written agreement.
- (2) On 22 February 2007 the Council decided to authorise the Presidency, assisted by the Commission, to open negotiations for a long-term agreement on the same subject. Those negotiations have been successful and a new Agreement has been drawn up.
- (3) In a letter accompanying the new Agreement, DHS has offered assurances for the protection of PNR data transferred from the European Union concerning passenger flights to or from the United States.
- (4) DHS and the European Union, through a person specifically designated to that end, will periodically review the implementation of the assurances contained in the accompanying letter, so as to allow the Parties, in the light of such a review, to take any action deemed necessary.
- (5) The Agreement should be signed, subject to its conclusion at a later date.

- (6) Article 9 of the Agreement provides that the Agreement will be applied provisionally as of the date of signature. Member States should therefore give effect to its provisions as from that date in conformity with existing domestic law. A Declaration to that effect will be made at the time of signature of the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR Agreement), is hereby approved on behalf of the European Union, subject to the conclusion of the said Agreement.

The text of the Agreement, the accompanying letter from the DHS and the letter of the EU in reply are attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the European Union, subject to its conclusion.

*Article 3*

In accordance with Article 9 of the Agreement, the provisions of the Agreement shall be applied on a provisional basis in conformity with existing domestic law as of the date of its signature, pending its entry into force. The annexed Declaration on provisional application is to be made at the time of signature.

Done at Brussels, 23 July 2007.

*For the Council**The President*

L. AMADO

<sup>(1)</sup> OJ L 298, 27.10.2006, p. 29.

**Declaration on behalf of the European Union to the agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR Agreement)**

'This Agreement, while not derogating from or amending the legislation of the EU or its Member States, will, pending its entry into force, be implemented provisionally by the Member States in good faith, in the framework of their existing national laws.'

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