

# **EU/USA Agreement: use and transfer of passenger name records (PNR) to the US Department of Homeland Security**

2011/0382(NLE) - 08/12/2011 - Legislative proposal

**PURPOSE:** to conclude the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security.

**PROPOSED ACT:** Council Decision.

**BACKGROUND:** on 2 December 2010, the Council adopted a decision, together with negotiation directives, authorising the Commission to open negotiations between the Union and the United States of America on the transfer and use of Passenger Name Records (PNR) to prevent and combat terrorism and other serious transnational crime.

In accordance with a Council Decision, the Agreement between the US and the EU on the use and transfer of Passenger Name Records to the United States Department of Homeland Security was signed, subject to its conclusion.

It is now appropriate to approve this Agreement on behalf of the EU.

**IMPACT ASSESSMENT:** no impact assessment was carried out.

**LEGAL BASE:** Articles 82(1)(d) and 87(2)(a), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** under this Decision, the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security is hereby approved on behalf of the Union.

For further details as regards the content of the Agreement, please refer to the initial legislative proposal dated 23/11/2011.

**Territorial provisions:** in accordance with Article 3 of the Protocol (No 21) on the Position of the United Kingdom and Ireland, those Member States have notified their wish to take part in the adoption and application of this Decision. On the other hand, Denmark has decided not to take part in the adoption of this Decision and is not bound by the Agreement or subject to its application.

**BUDGET IMPLICATION:** this proposal has no implication for the EU budget.