



Mr Walter STANISH

By email: ask+request-201-6ebe068b@asktheeu.org

Brussels, 27 August 2012

HH/ABo/mch/ D(2012) 1711 C 2012-0673

Subject: Your requests for access to documents of 5 August 2012 (C 2012-0673)

Dear Mr Stanish,

On 5 August 2012, you have sent an access to documents request to the EDPS on the basis of Regulation (EC) No 1049/2001.

The request concerns information regarding any and all international PNR agreements that are either presently active or under consideration by EU bodies. Furthermore, the request concerns any and all information available regarding the name, scope, and content of any similar information sharing scheme operating within the European Union or individual EU nations.

After a careful examination of your requests we have identified a list of documents held by the EDPS which could provide parts of the information you request for.

Most of these documents are already publicly available. To foster your search for information we hereby provide you with a list (see the Annex to this letter) which includes an explanation where to find these documents.

The remaining documents need further examination. On the basis of Article 4(4) of Regulation (EC) No 1049/2001 we have consulted the Commission and the Council with a view to assessing whether an exception contained in Article 4 of the Regulation is applicable.

Due to the relatively large number of documents relating to different dossiers, and due to the absence of certain persons during the summer period in the Commission and in the Council, the EDPS is forced to extend the deadline by 15 working days on the basis of Article 7(3) of Regulation (EC) No 1049/2001.

This means you will receive an answer to your requests relating to the remaining documents, ultimately on 18 September 2012.

Yours sincerely,

Hielke HIJMANS

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Annex: List of documents already publicly available

EDPS Opinions

EDPS Opinion on the Proposal for a Council Decision on the conclusion of 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 (9.12.2011)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2011/11-12-09_US_PNR_EN.pdf

EDPS Opinion on the Proposal for a Council Decision on the conclusion of an Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (15.7.2011)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2011/11-07-15_PNR_Australia_EN.pdf

EDPS Opinion on the Proposal for a Directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (25.03.2011)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2011/11-03-25_PNR_EN.pdf

EDPS Opinion on the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (15.10.2010)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2010/10-10-19_PNR_EN.pdf

Comments of the EDPS on different international agreements, notably the EU-US and EU-AUS PNR agreements, the EU-US TFTP agreement, and the need of a comprehensive approach to international data exchange agreements (25.01.2010)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Comments/2010/10-01-25_EU_US_data_exchange_EN.pdf

EDPS Opinion on the draft Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) data for law enforcement purposes (20.12.2007)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2007/07-12-20_EU_PNR_EN.pdf

EDPS Opinion on the Proposal for a Council Decision on the conclusion of an agreement between the European Community and the Government of Canada on the processing of Advance Passenger Information (API)/Passenger Name Record (PNR) data (COM(2005) 200 final) (15.6.2005)

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2005/05-06-15_PNR_Canada_EN.pdf

Council documents

(Available in the Council register: <http://www.consilium.europa.eu/documents/access-to-council-documents-public-register.aspx?lang=EN>)

Beschluss des Bundesrates: Vorschlag für einen Rahmenbeschluss des Rates über die Verwendung von Fluggastdatensätzen (PNR-Daten) zu Strafverfolgungszwecken KOM(2007) 654 endg; Ratsdok. 14922/07 (12.2.2008)

Unterrichtung durch die Bundesregierung: Vorschlag für einen Rahmenbeschluss des Rates über die Verwendung von Fluggastdatensätzen (PNR-Daten) zu Strafverfolgungszwecken KOM(2007) 654 endg.; Ratsdok. 14922/07 (14.11.2007)

Opinion of the European Data Protection Supervisor on the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (ST 15290/10; 21.10.2010)

Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes - General discussion (ST 5757/08 LIMITE; Interinstitutional file: 2007/0237 (CNS); 30.1.2008)

Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes - State of play (ST 9514/08 LIMITE; Interinstitutional file 2007/0237 (CNS); 23.5.2008)

Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes (ST 14922/07 + ST 14922/07 ADD1 + ST 14922/07 ADD2; Interinstitutional file 2007/0237 (CNS); 12.11.2007)

Summary of the plenary session of the European Parliament, held in Brussels on 10 November 2010 Statement by the Council and the Commission – EU external strategy on Passenger Name Records (PNR) (ST 16294/10; 12.11.2010)

Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (ST 13954/10; 22.9.2010)

Draft Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (ST 9492/11 COR1 REV1, ST 9492/1/11 REV1; 4.11.2011)

Draft Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (ST 9532/1/11 REV 1; 4.11.2011)

COUNCIL DECISION on the signing, on behalf of the Union, of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (ST 9822/11; Interinstitutional file 2011/0125 (NLE); 13.9.2011)

COUNCIL DECISION on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (ST 9825/11; Interinstitutional file 2011/0126 (NLE); 13.9.2011)

Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (ST 10093/11; Interinstitutional file 2011/0126 (NLE); 13.9.2011)

- Council Decision on the signing of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service - Adoption
- Council Decision on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service - Request by the Council for the consent of the European Parliament (ST 14245/11; Interinstitutional file 2009/0192 (NLE); 16.9.2010) (ST 14245/11 COR 1; Interinstitutional file 2011/0125 (NLE), 2011/0126 (NLE); 21.9.2011)

Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (9822/11, 13.9.2011) (ST 15944/11; Interinstitutional file 2011/0125 (NLE); 26.10.2011)

Council Decision on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service - Adoption of the Decision on conclusion (ST 16480/11; ST 16480/1/11 REV 1 + ST ST 16480/2/11 REV 2; Interinstitutional file 2011/0126 (NLE); 7.11.2011)

Proposal for a COUNCIL DECISION on the conclusion of 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 (COM(2011) 807 final; 23.11.2011)

Proposal for a COUNCIL DECISION on the signature of 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
COMMON GUIDELINES Consultation deadline: 6 December 2011 (ST 17429/11; Interinstitutional file 2011/0383 (NLE); 24.11.2011)

Proposal for a COUNCIL DECISION on the conclusion of 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
COMMON GUIDELINES Consultation deadline: 6 December 2011 (ST 17430/11; Interinstitutional file 2011/0382 (NLE); 24.11.2011)

Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records (PNR) to the United States Department of

Homeland Security (ST 17434/11 + ST 17434/11 COR 1; Interinstitutional file 2011/0382 (NLE); 9.12.2011)

- Council Decision on the signing of the Agreement between the European Union and the United States of America on the use and transfer of Passenger Name Records to the United States Department of Homeland Security - Adoption
- Council Decision on the conclusion of the Agreement between the European Union and United States of America on the use and transfer of Passenger Name Records to the United States Department of Homeland Security - Request by the Council for the consent of the European Parliament (ST 18230/11; Interinstitutional file 2011/0383 (NLE); 6.12.2011)

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 (17434/11, 8.12.2011 and 17434/11 COR 1, 9.12.2011) (ST 12587/1/12 REV 1; Interinstitutional file 2011/0382 (NLE); 2.8.2012)