

Council Conclusions on PNR Transfers to Third Countries



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News

At its [meeting](#) on 7-8 June 2021, the JHA Council adopted [conclusions on the transfer of passenger name record \(PNR\) data to third countries](#), in particular Australia and the United States, for the purpose of combatting terrorism and serious crime. The Council emphasised that joint evaluations demonstrated the added value and operational effectiveness of the Agreements between the EU and both Australia and the United States with regard to the processing and transfer of PNR data by air carriers to the Australian and US law enforcement authorities. It also underlined that the agreements' objectives are in line with international obligations to collect, process and exchange PNR data, e.g. UN Security Council resolutions and the recent amendment to the Convention on International Civil Aviation ("Chicago Convention"). The Council, however, acknowledges that the agreements with Australia and US do not fully comply with the CJEU's Opinion 1/15 that toppled the envisaged EU-Canada PNR deal because it was not in line with the EU's Charter of Fundamental Rights and Union data protection law (→ [eu crim 3/2017, 114-115](#)).

The conclusions reiterate that adequate retention is key and call on the Commission "to pursue a consistent and effective approach regarding the transfer of PNR data to third countries for the purpose of combating terrorism and serious crime, building on the ICAO SARPs [Standards and Recommended Practices on PNR of the International Civil Aviation Organization], and in line with the relevant requirements established under Union law."

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