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**European Union
and
United States of America**

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. Brussels, 14 December 2011

Entry into force: *1 July 2012, in accordance with article 27*

Authentic texts: *Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish*

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**No UNTS volume number has yet been determined for this record. Only the authentic English and French texts of the Agreement are published herein. Other authentic texts of the Agreement are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.*

**Union européenne
et
États-Unis d'Amérique**

Accord entre les États-Unis d'Amérique et l'Union européenne sur l'utilisation des données des dossiers passagers et leur transfert au Ministère américain de la sécurité intérieure. Bruxelles, 14 décembre 2011

Entrée en vigueur : *1^{er} juillet 2012, conformément à l'article 27*

Textes authentiques : *bulgare, tchèque, danois, néerlandais, anglais, estonien, finnois, français, allemand, grec, hongrois, italien, letton, lituanien, maltais, polonais, portugais, roumain, slovaque, slovène, espagnol et suédois*

Enregistrement auprès du Secrétariat des Nations Unies : *Conseil de l'Union européenne, 1^{er} mai 2015*

**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Seuls les textes authentiques anglais et français de l'accord sont publiés ici. Les autres textes authentiques de l'accord ne sont pas publiés, conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

THE UNITED STATES OF AMERICA,

hereinafter referred to also as "the United States", and

THE EUROPEAN UNION,

hereinafter referred to also as "the EU",

together hereinafter referred to as "the Parties",

DESIRING to prevent and combat terrorism and serious transnational crime effectively as a means of protecting their respective democratic societies and common values;

SEEKING to enhance and encourage cooperation between the Parties in the spirit of transatlantic partnership;

RECOGNIZING the right and responsibility of states to ensure the security of their citizens and protect their borders and mindful of the responsibility of all nations to protect the life and safety of the public including those using international transportation systems;

CONVINCED that information sharing is an essential component in the fight against terrorism and serious transnational crime and that in this context, the processing and use of Passenger Name Records (PNR) is a necessary tool that gives information that cannot be obtained by other means;

DETERMINED to prevent and combat terrorist offenses and transnational crime, while respecting fundamental rights and freedoms and recognizing the importance of privacy and the protection of personal data and information;

HAVING REGARD for international instruments, U.S. statutes and regulations requiring each air carrier operating passenger flights in foreign air transportation to or from the United States to make PNR available to the Department of Homeland Security (DHS) to the extent they are collected and contained in the air carrier's automated reservation/departure control systems, and comparable requirements that are or may be implemented in the EU;

NOTING that DHS processes and uses PNR for the purpose of preventing, detecting, investigating and prosecuting terrorist offenses and transnational crime in compliance with safeguards on privacy and the protection of personal data and information, as set out in this Agreement;

STRESSING the importance of sharing PNR and relevant and appropriate analytical information obtained from PNR by the United States with competent police and judicial authorities of Member States of the European Union, hereinafter "EU Member States", and Europol or Eurojust as a means to foster international police and judicial cooperation;

ACKNOWLEDGING both Parties' longstanding traditions of respect for individual privacy, as reflected in their laws and founding documents;

MINDFUL of the EU's commitments pursuant to Article 6 of the Treaty on European Union on respect for fundamental rights, the right to privacy with regard to the processing of personal data as stipulated in Article 16 of the Treaty on the Functioning of the European Union, the principles of proportionality and necessity concerning the right to private and family life, the respect for privacy, and the protection of personal data under Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, Council of Europe Convention No. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data and its additional Protocol 181, and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union;

MINDFUL that DHS currently employs robust processes to protect personal privacy and ensure data integrity, including physical security, access controls, data separation and encryption, audit capabilities and effective accountability measures;

RECOGNIZING the importance of ensuring data quality, accuracy, integrity, and security, and instituting appropriate accountability to ensure these principles are observed;

NOTING in particular the principle of transparency and the various means by which the United States ensures that passengers whose PNR is collected by DHS are made aware of the need for and use of their PNR;