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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Directive of the European Parliament and of the Council on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime
- draft declaration by the Member States to the minutes of the Council

Delegations find in the annex the text of the draft declaration which was agreed at the Council meeting of 4 December 2015.

This declaration will be entered into the minutes of the meeting of the Council at which the Directive on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences will be adopted.

Article 1a of the PNR Directive allows Member States that so wish to apply it to intra-EU flights on a voluntary basis, upon notice to the Commission to that end.

Considering the current security situation in Europe, Member States declare that by the date of transposition provided for in Article 15 they will make full use of the possibility provided for by Article 1a under the conditions set by the Directive.

Member States declare that, as wished by the Parliament, they undertake¹ to extend under their domestic law the collection of PNR data to non-air carriers, such as travel agencies and tour operators which provide travel-related services including the booking of flights for which they collect and process PNR data.

¹ Subject, in some Member States, to parliamentary proceedings.