



## EUROPEAN COMMISSION

Brussels,  
C(2014)

*final*

*Dear President,*

*The Commission would like to thank the Assemblée nationale for its Opinion concerning the proposal for a Council Decision on the signature of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data {COM(2013) 529 final} and the proposal for a Council Decision on the conclusion of the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data {COM(2013) 528 final}.*

*The Commission welcomes that the Assemblée nationale acknowledges the improvements contained in the draft Passenger Name Record (PNR) Agreement with Canada. The Commission also takes note of the concerns raised by the Assemblée nationale on the provisions in the draft Agreement on sensitive data, the retention period and the disclosure of PNR data outside Canada.*

*The question of the processing of sensitive data was one of the most difficult points in the negotiations. The Canadian Minister of Public Safety made clear that Canada could not accept a text that categorically prohibited any processing of sensitive data. Canada provided convincing information on possible scenarios where the processing of sensitive data could be indispensable to prevent a terrorist attack. Reflecting Canada's particular operational and security reality, agreement was reached on a provision that would allow for very exceptional processing of sensitive data under heavily restricted access conditions.*

*Canada also provided convincing reasons why a maximum retention period of five years was necessary in the Agreement. The draft Agreement combines a maximum retention period of five years with strict rules on the masking out of PNR data, as acknowledged by the French National Assembly in its Opinion. As would be the case for all essential elements of the draft Agreement, the procedures for the masking out of PNR data would be subject of a joint review of the Agreement's implementation that would take place one year after its entry into force.*

*Regarding the onward transfer of PNR data received under the Agreement from Canada to other third countries, an obligation to receive prior consent from the source country was*

*Mr Claude BARTOLONE  
President of the Assemblée nationale  
Palais Bourbon  
126, rue de l'Université  
F – 75007 PARIS*

*considered operationally unfeasible and therefore discarded. Instead, the draft Agreement would oblige Canada to notify the authorities of a Member State in case it discloses PNR data of an individual who is a citizen of that Member State. This would provide for a clear improvement compared to the 2006 Agreement between the European Union and the Government of Canada on the processing of Advance Passenger Information and Passenger Name Record data.*

*The Commission hopes that these clarifications address the concerns raised by the French National Assembly and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*