

**DECISION No 2/2021 OF THE PARTNERSHIP COUNCIL ESTABLISHED BY THE
TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN
UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE
PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, OF THE OTHER PART**

of 21 December 2021

**as regards the extension of the interim period during which the United Kingdom may
derogate from the obligation to delete Passenger Name Record data of passengers after
their departure from the United Kingdom**

THE PARTNERSHIP COUNCIL,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the 'Trade and Cooperation Agreement'), and in particular Article 552 thereof,

Whereas:

(1) Article 552(4) provides that the United Kingdom shall delete the Passenger Name Record (hereafter: 'PNR') data of passengers after their departure from the United Kingdom unless a risk assessment indicates the need to retain such PNR data.

(2) Article 552(11) provides that the United Kingdom may derogate from paragraph 4 of that article on a temporary basis for an interim period, pending the implementation by the United Kingdom of technical adjustments as soon as possible (hereafter 'interim period'). During this interim period, the United Kingdom competent authority shall prevent the use of the PNR data that is to be deleted by applying the additional safeguards to that PNR data listed in Article 552(11), points (a)-(d).

(3) According to Article 552(10), this derogation applies due to the special circumstances that prevent the United Kingdom from making the technical adjustments necessary to transform the PNR processing systems which the United Kingdom operated whilst Union law applied to it into systems which would enable PNR data to be deleted in accordance with Article 552(4) (hereafter 'special circumstances').

(4) Article 552(13) provides that where the special circumstances persist, the Partnership Council shall extend the interim period for one year.

(5) The United Kingdom submitted to the Specialised Committee on Law Enforcement and Judicial Cooperation, pursuant to Article 552(12)(b), an assessment of whether the special circumstances persist, together with a description of the efforts made to transform the PNR processing systems of the United Kingdom into systems which would enable PNR data to be deleted in accordance with Article 552(4), and, pursuant to Article 552(12)(a), a report from the independent administrative body referred to in Article 552(7) and an opinion of the United Kingdom supervisory authority referred to in Article 525(3) as to whether the safeguards provided for in Article 552(11) have been applied effectively, complemented by a report from the United Kingdom supervisory authority received on 30 November 2021.

(6) The Specialised Committee on Law Enforcement and Judicial Cooperation considered the assessment and the report on 19 October 2021 pursuant to Article 552(13).

(7) The Parties conclude that the special circumstances persist.

HAS ADOPTED THIS DECISION:

Article 1

The interim period during which the United Kingdom may derogate from the obligation in Article 552(4) of the Trade and Cooperation Agreement is extended until 31 December 2022.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels and London, 21 December 2021

The image shows two handwritten signatures in black ink. The top signature is larger and more stylized, while the bottom signature is smaller and more legible, appearing to read 'Maros Seftovic'.

For the Partnership Council

The Co-chairs

Maros SEFCOVIC

Elizabeth TRUSS