Council of the
European Union

Brussels, 13 December 2023
(OR. en)

16760/23

Interinstitutional File:
2022/0425(COD)

IXIM 246
ENFOPOL 546
AVIATION 240
DATAPROTECT 372
JAI 1670
CODEC 2494

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10703/23
No. Cion doc.:	15719/22
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818 – 4-column table

Delegations will find in the Annex a four-column table concerning the above legislative proposal, which contains:

- the Commission proposal of 14 December 2022,

- the mandate confirmed by the European Parliament on 13 December 2023, and

- the mandate approved by the Permanent Representatives Committee on 21 June 2023.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818

2022/0425(COD)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2022/0425 (COD)	2022/0425 (COD)	2022/0425 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1), point (d), and Article 87(2), point (a), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1), point (d), and Article 87(2), point (a), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1), point (d), and Article 87(2), point (a), thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____	Having regard to the opinion of the European Economic and Social Committee[1], _____	Having regard to the opinion of the European Economic and Social Committee[1], _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. .	
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
9	Whereas:	Whereas:	Whereas:	
Recital 1				
10	(1) The transnational dimension of serious and organised crime and the continuous threat of terrorist attacks on European soil call for action at Union level to adopt appropriate measures to ensure security within an area of freedom, security and justice without internal borders. Information on air travellers, such as Passenger Name Records (PNR) and in particular Advance Passenger Information (API), is essential in order to identify high-risk travellers, including those who are not otherwise known to law enforcement authorities, and to establish links between members of	(1) The transnational dimension of serious and organised crime and the continuous threat of terrorist attacks on European soil call for action at Union level to adopt appropriate measures to ensure security within an area of freedom, security and justice without internal borders. Information on air ~~travellers~~***passengers***, such as Passenger Name Records (PNR) and in particular Advance Passenger Information (API), is essential in order to identify high-risk ~~travellers~~***passengers***, including those who are not otherwise known to law enforcement authorities, and to	(1) The transnational dimension of serious and organised crime and the continuous threat of terrorist attacks on European soil call for action at Union level to adopt appropriate measures to ensure security within an area of freedom, security and justice without internal borders. Information on air travellers, such as Passenger Name Records (PNR) and in particular Advance Passenger Information (API), is essential in order to identify high-risk travellers, including those who are not otherwise known to law enforcement authorities, and to establish links between members of	

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	criminal groups, and countering terrorist activities.	establish links between members of criminal groups, and countering terrorist activities.	criminal groups, and countering terrorist activities.	
Recital 2				
11	(2) While Council Directive 2004/82/EC[1] establishes a legal framework for the collection and transfer of API data by air carriers with the aims of improving border controls and combating illegal immigration, it also states that Member States may use API data for law enforcement purposes. However, only creating such a possibility leads to several gaps and shortcomings. In particular, it means that, despite its relevance for law enforcement purposes, API data is not in all cases collected and transferred by air carriers for those purposes. It also means that, where Member States acted upon the possibility, air carriers are faced with diverging requirements under national law as regards when and how to collect and transfer API data for this purpose. Those divergences lead not only to unnecessary costs and complications for the air carriers, but they are also prejudicial to the	(2) While Council Directive 2004/82/EC[1] establishes a legal framework for the collection and transfer of API data by air carriers with the aims of improving border controls and combating illegal immigration, it also states that Member States may use API data for law enforcement purposes. However, only creating such a possibility leads to several gaps and shortcomings. In particular, it means that, ~~*despite its relevance for law enforcement purposes,*~~ API data is not ~~*in all cases*~~***systematically*** collected and transferred by air carriers for ~~*those*~~***law enforcement*** purposes. It also means that, where Member States acted upon the possibility, air carriers are faced with diverging requirements under national law as regards when and how to collect and transfer API data for this purpose. Those divergences lead not only to unnecessary costs and	(2) While Council Directive 2004/82/EC[1] establishes a legal framework for the collection and transfer of API data by air carriers with the aims of improving border controls and combating illegal immigration, it also states that Member States may use API data for law enforcement purposes. However, only creating such a possibility leads to several gaps and shortcomings. In particular, it means that, despite its relevance for law enforcement purposes, API data is not in all cases collected and transferred by air carriers for those purposes. It also means that, where Member States acted upon the possibility, air carriers are faced with diverging requirements under national law as regards when and how to collect and transfer API data for this purpose. Those divergences lead not only to unnecessary costs and complications for the air carriers, but they are also prejudicial to the	

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	Union's internal security and effective cooperation between the competent law enforcement authorities of the Member States. Moreover, in view of the different nature of the purposes of facilitating border controls and law enforcement, it is appropriate to establish a distinct legal framework for the collection and transfer of API data for each of those purposes. _____ 1. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24).	complications for the air carriers, but ~~they are also prejudicial to~~***can also negatively affect*** the Union's internal security and ***complicate*** effective cooperation between the competent law enforcement authorities of the Member States. Moreover, in view of the different nature of the purposes of facilitating border controls and law enforcement, it is appropriate to establish a distinct legal framework for the collection and transfer of API data for each of those purposes. _____ 1. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24).	Union's internal security and effective cooperation between the competent law enforcement authorities of the Member States. Moreover, in view of the different nature of the purposes of facilitating border controls and law enforcement, it is appropriate to establish a distinct legal framework for the collection and transfer of API data for each of those purposes. _____ 1. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24).	
Recital 3				
12	(3) Directive (EU) 2016/681 of the European Parliament and of the Council[1] lays down rules on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Under that Directive, Member States must adopt the necessary measures to ensure that air carriers transfer	(3) Directive (EU) 2016/681 of the European Parliament and of the Council[1] lays down rules on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Under that Directive, Member States must adopt the necessary measures to ensure that air carriers transfer	(3) Directive (EU) 2016/681 of the European Parliament and of the Council[1] lays down rules on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Under that Directive, Member States must adopt the necessary measures to ensure that air carriers transfer	

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	PNR data, including any API data collected, to the national Passenger Information Unit ('PIU') established under that Directive to the extent that they have already collected such data in the normal course of their business. Consequently, that Directive does not guarantee the collection and transfer of API data in all cases, as air carriers do not have any business purpose to collect a full set of such data. Ensuring that PIUs receive API data together with PNR data is important, since the joint processing of such data is needed for the competent law enforcement authorities of the Member States to be able to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime. In particular, such joint processing allows for the accurate identification of those passengers that may need to be further examined, in accordance with the applicable law, by those authorities. In addition, that Directive does not specify in detail which information constitutes API data. For those reasons, complementary rules should be	PNR data, including any API data collected, to the national Passenger Information Unit ('PIU') established under that Directive to the extent that they have already collected such data in the normal course of their business. Consequently, that Directive does not guarantee the collection and transfer of API data in all cases, as air carriers do not have any business purpose to collect a full set of such data. Ensuring that PIUs receive API data together with PNR data is important, since the joint processing of such data is needed for the competent law enforcement authorities of the Member States to be able to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime. In particular, such joint processing allows for the accurate identification of those passengers that may need to be further examined, in accordance with the applicable law, by those authorities. In addition, that Directive does not specify in detail which information constitutes API data. For those reasons, complementary rules should be	PNR data, including any API data collected,– to the national Passenger Information Unit ('PIU') established under that Directive to the extent that they have already collected such data in the normal course of their business. Consequently, that Directive does not guarantee the collection and transfer of API data in all cases, as air carriers do not have any business purpose to collect a full set of such data. Ensuring that PIUs receive API data together with PNR data is important, since the joint processing of such data is needed for the competent ~~law enforcement~~ authorities of the Member States to be able to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime. In particular, such joint processing allows for the accurate identification of those passengers that may need to be further examined, in accordance with the applicable law, by those authorities. In addition, that Directive does not specify in detail which information constitutes API data. For those reasons, complementary rules should be	

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	established requiring air carriers to collect and subsequently transfer a specifically defined set of API data, which requirements should apply to the extent that the air carriers are bound under that Directive to collect and transfer PNR data on the same flight. _____ 1. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).	established requiring air carriers to collect and subsequently transfer a specifically defined set of API data, which requirements should apply to the extent that the air carriers are bound under that Directive to collect and transfer PNR data on the same flight. _____ 1. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).	established requiring air carriers to collect and subsequently transfer a specifically defined set of API data, which requirements should apply to the extent that the air carriers are bound under that Directive to collect and transfer PNR data on the same flight. _____ 1. **[1]** Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).	
Recital 4				
13	(4) It is therefore necessary to establish at Union level clear, harmonised and effective rules on the collection and transfer of API data for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.	(4) It is therefore necessary to establish ~~at Union level~~ clear, harmonised and effective rules ***at Union level*** on the collection and transfer of API data for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.	(4) It is therefore necessary to establish at Union level clear, harmonised and effective rules on the collection and transfer of API data for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime.	
Recital 5				
14	(5) Considering the close relationship between both acts, this	(5) Considering the close relationship between both acts, this	(5) Considering the close relationship between both acts, this	

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	Regulation should be understood as complementing the rules provided for in Directive (EU) 2016/681. Therefore, API data is to be collected and transferred in accordance with the specific requirements of this Regulation, including as regards the situations and the manner in which that is to be done. However, the rules of that Directive apply in respect of matters not specifically covered by this Regulation, especially the rules on the subsequent processing of the API data received by the PIUs, exchange of information between Member States, conditions of access by the European Union Agency for Law Enforcement Cooperation (Europol), transfers to third countries, retention and depersonalisation, as well as the protection of personal data. Insofar as those rules apply, the rules of that Directive on penalties and the national supervisory authorities apply as well. This Regulation should leave those rules unaffected.	Regulation should be understood as complementing the rules provided for in Directive (EU) 2016/681. Therefore, API data is to be collected and transferred in accordance with the specific requirements of this Regulation, including as regards the situations and the manner in which that is to be done. However, the rules of that Directive apply in respect of matters not specifically covered by this Regulation, especially ***regarding*** the rules on the subsequent processing of the API data received by the PIUs, exchange of information between Member States, conditions of access by the European Union Agency for Law Enforcement Cooperation (Europol), transfers to third countries, retention and depersonalisation, as well as the protection of personal data. Insofar as those rules apply, the rules of that Directive on penalties and the national supervisory authorities apply as well. This Regulation should leave those rules unaffected.	Regulation should be understood as complementing the rules provided for in Directive (EU) 2016/681**, as interpreted by the Court of Justice of the European Union (CJEU)**. Therefore, API data is **only** to be collected and transferred **under this Regulation** in accordance with the specific requirements ~~of this Regulation~~**set out herein** , including as regards the situations and the manner in which that is to be done. However, the rules of that Directive apply in respect of matters not specifically covered by this Regulation, especially the rules on the subsequent processing of the API data received by the PIUs, exchange of information between Member States, conditions of access by the European Union Agency for Law Enforcement Cooperation (Europol), transfers to third countries, retention and depersonalisation, as well as the protection of personal data. Insofar as those rules apply, the rules of that Directive on penalties and the national supervisory authorities apply as well. This Regulation should leave those rules unaffected **and should therefore, in**	

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			particular, be without prejudice to the requirements and safeguards applicable to the processing of API data by the PIUs.	
Recital 6				
15	(6) The collection and transfer of API data affects the privacy of individuals and entails the processing of personal data. In order to fully respect fundamental rights, in particular the right of respect for private life and the right to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union ('Charter'), adequate limits and safeguards should be provided for. In particular, any processing of API data and, in particular, API data constituting personal data, should remain limited to what is necessary for and proportionate to achieving the objectives pursued by this Regulation. In addition, it should be ensured that the API collected and transferred under this Regulation do not lead to any form of discrimination precluded by the Charter.	(6) The collection and transfer of API data affects the privacy of individuals and entails the processing of ***their*** personal data. In order to fully respect ***their*** fundamental rights, in particular the right of respect for private life and the right to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union ('Charter'), adequate limits and safeguards should be provided for. In particular, any processing of API data and, in particular, API data constituting personal data, should remain ***strictly*** limited to what is necessary for and proportionate to achieving the objectives pursued by this Regulation. In addition, it should be ensured that the ***processing of any API data***~~API~~ collected and transferred under this Regulation do not lead to any form of discrimination precluded by the	(6) The collection and transfer of API data affects the privacy of individuals and entails the processing of personal data. In order to fully respect fundamental rights, in particular the right of respect for private life and the right to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union ('Charter'), adequate limits and safeguards should be provided for. In particular, any processing of API data and, in particular, API data constituting personal data, should remain limited to what is necessary for and proportionate to achieving the objectives pursued by this Regulation. In addition, it should be ensured that the API collected and transferred under this Regulation do not lead to any form of discrimination precluded by the Charter.	

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		Charter.		
Recital 7				
16	(7) In view of the complementary nature of this Regulation in relation to Directive (EU) 2016/681, the obligations of air carriers under this Regulation should apply in respect of all flights for which Member States are to require air carriers to transmit PNR data under Directive (EU) 2016/681, namely flights, including both scheduled and non-scheduled flights, both between Member States and third countries (extra-EU flights), and between several Member States (intra-EU flights) insofar as those flights have been selected in accordance with Directive (EU) 2016/681, irrespective of the place of establishment of the air carriers conducting those flights.	(7) In view of the complementary nature of this Regulation in relation to Directive (EU) 2016/681, the obligations of ***commercial*** air carriers under this Regulation should apply in respect of all flights for which Member States are to require air carriers to transmit PNR data under Directive (EU) 2016/681, namely flights, including both scheduled and non-scheduled flights, both between Member States and third countries (extra-EU flights), and between several Member States (intra-EU flights) insofar as those flights have been selected in accordance with Directive (EU) 2016/681, irrespective of the place of establishment of the air carriers conducting those flights. ***In accordance with the relevant ICAO classifications, general aviation such as flight schools, military or medical flights, should be exempted from this Regulation.***	(7) In view of the complementary nature of this Regulation in relation to Directive (EU) 2016/681, the obligations of air carriers under this Regulation should apply in respect of all flights for which Member States are to require air carriers to transmit PNR data under Directive (EU) 2016/681, ~~namely~~**irrespective of the place of establishment of the air carriers conducting those** flights~~, including~~**. Those flights should concern** both scheduled and non-scheduled flights, both between Member States and third countries (extra-EU flights), and between several Member States (intra-EU flights)**, yet only** insofar as those flights **will depart from, land on, or make a stop-over on the territory of at least one Member State that has notified its decision to apply Directive (EU) 2016/681 to intra-EU flights**~~have been selected~~ in accordance with **Article 2(1) of that Directive and in line with the case law of the Court of Justice of the European**	

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			Union (CJEU). As regards the intra-EU flights covered by this Regulation, such a targeted approach, enacted in application of Article 2 of Directive (EU) 2016/681 **and centered on the demands of effective law enforcement, should also be required in view**~~, irrespective~~ of the ~~place of establishment~~**need to ensure compliance with requirements of Union law on the necessity and proportionality** of the **data processing, the free movement of persons and the abolition of internal border controls. Scheduled and non-scheduled flights should be understood as meaning flights operated according to a fixed timetable, for which tickets can be purchased by the general public, and those that are not necessarily part of a regular or sheduled route. Other flights, operated by** air carriers ~~conducting those~~**that do not fall within the scope of the definition of air carrier under this Regulation, such as military flights, medical flights and emergency** flights **should not be subject to the obligations set out**	

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			in this Regulation.	
Recital 7a				
16a			**(7a) The obligations on air carriers to collect and transfer API data should include all travellers, including all passengers and crew on flights into the Union, transit travellers whose final destination is outside of the Union and any non-operating crew member positioned on a flight by an air carrier in connection with their duties.**	
Recital 8				
17	(8) Accordingly, given that Directive (EU) 2016/681 does not cover domestic flights, that is, flights that depart and land on the territory of the same Member State without any stop-over in the territory of another Member State or a third country, and in view of the transnational dimension of the terrorist offences and the serious crime covered by this Regulation, such flights should not be covered by this Regulation either. This	(8) Accordingly, given that Directive (EU) 2016/681 does not cover domestic flights, that is, flights that depart and land on the territory of the same Member State without any stop-over in the territory of another Member State or a third country, and in view of the transnational dimension of the terrorist offences and the serious crime covered by this Regulation, such flights should not be covered by this Regulation either. This	(8) Accordingly, given that Directive (EU) 2016/681 does not cover domestic flights, that is, flights that depart and land on the territory of the same Member State without any stop-over in the territory of another Member State or a third country, and in view of the transnational dimension of the terrorist offences and the serious crime covered by this Regulation, such flights should not be covered by this Regulation either. This	

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	Regulation should not be understood as affecting the possibility for Member States to provide, under their national law and in compliance with Union law, for obligations on air carriers to collect and transfer API data on such domestic flights.	Regulation should not be understood as affecting the possibility for Member States to provide, under their national law and in compliance with Union law, for obligations on air carriers to collect and transfer API data on such domestic flights.	Regulation should not be understood as affecting the possibility for Member States to provide, under their national law and in compliance with Union law, for obligations on air carriers to collect and transfer API data on such domestic flights.	
Recital 9				
18	(9) In view of the close relationship between the acts of Union law concerned and in the interest of consistency and coherence, the definitions set out in this Regulation should as much possible be aligned with, and be interpreted and applied in the light of, the definitions set out in Directive (EU) 2016/681 and Regulation (EU) [API border management][1]. _____ 1. OJ C , , p. .	(9) In view of the close relationship between the acts of Union law concerned and in the interest of consistency and coherence, the definitions set out in this Regulation should ~~*as much possible*~~ be aligned with, ~~*and be*~~ interpreted and applied in the light of, the definitions set out in Directive (EU) 2016/681 and Regulation (EU) [API border management][1]. _____ 1. OJ C , , p. .	(9) In view of the close relationship between the acts of Union law concerned and in the interest of consistency and coherence, the definitions set out in this Regulation should as much **as** possible be aligned with, and be interpreted and applied in the light of, the definitions set out in Directive (EU) 2016/681 and Regulation (EU) [API border management][1]. _____ 1. **[1]** OJ C , , p. .	
Recital 10				
19	(10) In particular, the items of information that jointly constitute the API data to be collected and subsequently transferred under this	(10) In particular, the items of information that jointly constitute the API data to be collected and subsequently transferred under this	(10) In particular, the items of information that jointly constitute the API data to be collected and subsequently transferred under this	

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	Regulation should be those listed clearly and exhaustively in Regulation (EU) API [border management], covering both information relating to each passenger and information on the flight of that traveller. Under this Regulation, such flight information should cover information on the border crossing point of entry into the territory of the Member State concerned only where applicable, that is, not when the API data relate to intra-EU flights.	Regulation should be ***the same as*** those listed clearly and exhaustively in Regulation (EU) API [border management], covering both information relating to each passenger and information on the flight of that ~~traveller~~***passenger***. Under this Regulation, such flight information should cover information on the border crossing point of entry into the territory of the Member State concerned only where applicable, that is, not when the API data relate to intra-EU flights.	Regulation should be those listed clearly and exhaustively in Regulation (EU) API [border management], covering both information relating to each passenger and information on the flight of that traveller. Under this Regulation, such flight information should cover information on the border crossing point of entry into the territory of the Member State concerned only where applicable, that is, not when the API data relate to intra-EU flights.	
Recital 10a				
19a			**(10a) In order to enable travelling without carrying a travel document where Member States allow such practice under national law in accordance with Union law, including on the basis of an international agreement, it should be possible for a Member State to impose an obligation on air carriers to provide the possibility for passengers to voluntarily upload API data by automated means and to store that data at the carrier with a view to transferring the data for**	

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			future flights.	
Recital 10b				
19b			**(10b) In order to allow for flexibility and innovation, it should in principle be left to each air carrier to determine how it meets its obligations regarding the collection of API data set out in this Regulation,with respect to the different types of air carriers as defined by this Regulation, their respective business models, such as for example check-in times and cooperation with airports. However, considering that suitable technological solutions exist that allow collecting certain API data automatically while guaranteeing that the API data concerned is accurate, complete and up-to-date, and having regard the advantages of the use of such technology in terms of effectiveness and efficiency, air carriers should be required to collect that API data using automated means, by reading information from the machine-readable data of the travel document.**	

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Recital 10c				
19c			**(10c) The collection of API data from travel documents should also be consistent with the International Civil Aviation Organisation (ICAO) guidelines on Machine Readable Travel Documents, that are transposed in Regulation 2019/1157 on strengthening the security of identity cards of Union citizens, Council Directive 2019/997 on EU emergency travel documents and Regulation 2252/2004 on standards for security features and biometrics in passports.**	
Recital 10d				
19d			**(10d) Automated means enable travellers to provide certain API data themselves during an online check-in process. Such means could, for example, include a secure app on a travellers' smartphone, computer or webcam with the capability to read the machine-readable data of the travel document. Where the travellers did not check-in**	

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			online, air carriers should in practice provide them with the possibility to provide the machine-readable API data concerned during check-in at the airport with the assistance of a self-service kiosk or of airline staff at the counter.	
Recital 10e				
19e			**(10e) The Commission should adopt technical requirements and procedural rules that air carriers are to comply with in connection to the use of automated means for the collection of machine-readable API data under this Regulation, so as to increase clarity and legal certainty and contribute to ensuring data quality and the responsible use of the automated means.**	
Recital 10f				
19f			**(10f) To provide clarity on the technical requirements that are applicable to air carriers and that are needed to ensure the API data that they collected**	

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			under this Regulation are transferred to the router in a secure, effective and swift manner, the Commission should lay down specifications on the common protocols and supported data formats to be used for those transfers, including requirements for data security. Such requirements may also concern the use of anonymisation and pseudonymisation.	
Recital 10g				
19g			**(10g) In order to avoid that air carriers have to establish and maintain multiple connections with the PIUs of the Member States' for the transfer of API data collected under this Regulation and the related inefficiencies and security risks, provision should be made for a single router, created and operated at Union level in accordance with this Regulation and Regulation [API border management], that serves as a connection and distribution point for those transfers. In the interest of efficiency and cost**	

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			effectiveness, the router should, to the extent technically possible and in full respect of the rules of this Regulation and Regulation (EU) [API border management], rely on technical components from other relevant systems created under Union law.	
Recital 10h				
19h			**(10h) In order to improve the efficiency of the transmission of air traffic data and support the monitoring of the API data transmitted to PIUs, the router should receive real-time flight traffic information collected by other organisations, such as the European Organisation for the Safety of Air Navigation ('Eurocontrol').**	
Recital 10i				
19i			**(10i) The router should serve only to facilitate the transmission of API data from the air carriers to the PIUs in accordance with this Regulation, and should not be a repository of API data. Therefore, and in order to**	

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			minimise any risk of unauthorised access or other misuse and in accordance with the principle of data minimisation, any storage of the API data on the router should remain limited to what is strictly necessary for technical purposes related to the transmission and the API data should be deleted from the router, immediately, permanently and in an automated manner, from the moment that the transmission has been completed or, where relevant under this Regulation, the API data is not to be transmitted at all.	
Recital 10j				
19j			**(10j) With a view to ensuring the proper functioning of the transmission of API data from router, the Commission should lay down detailed technical and procedural rules on that transmission. Those rules should be such as to ensure that the transmission is secure, effective and swift and impacts passengers' travel and air carriers no more than necessary.**	

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Recital 10k				
19k			**(10k) In order to allow air carriers to benefit as soon as possible from the advantages offered by the use of the router developed by eu-LISA in accordance with this Regulation and Regulation [API border management], and to gain experience in using it, air carriers should be provided with the possibility, but not the obligation, to use the router to transmit the information that they are required to transmit under Directive 2004//82/EC during an interim period. That interim period should commence at the moment at which the router starts operations and end when the obligations under that Directive cease to apply. With a view to ensuring that any such voluntary use of the router takes place in a responsible manner, the prior written agreement of the responsible Member State that is to receive the information should be required, upon request of the air carrier and after that authority having conducted**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			verifications and obtained assurances, as necessary. Similarly, in order to avoid a situation in which air carriers repeatedly start and stop using the router, once an air carrier starts such use on a voluntary basis, it should be required to continue it, unless there are objective reasons to discontinue the use for the transmission of the information to the responsible Member State concerned, such as it having become apparent that the information is not transmitted in a lawful, secure, effective and swift manner. In the interest of the proper application of this possibility of voluntarily using the router, with due regard to the rights and interests of all affected parties, the necessary rules on consultations and the provision of information should be provided for. Any such voluntary use of the router in application of Directive 2004/82/EC as provided for in this Regulation should not be understood as affecting in any way the obligations of the air carriers and the Member States	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			under that Directive.	
Recital 11				
20	(11) In order to ensure a consistent approach on the collection and transfer of API data by air carriers as much as possible, the rules set out in this Regulation should be aligned with those set out in the Regulation (EU) [API border management] where appropriate. That concerns, in particular, the rules on data quality, the air carriers' use of automated means for such collection, the precise manner in which they are to transfer the collected API data to the router and the deletion of the API data.	(11) In order to ensure ~~a~~***an approach that is as*** consistent ~~approach~~***as possible*** on the collection and transfer of API data by air carriers ~~as much as possible~~, the rules set out in this Regulation should be aligned with those set out in the Regulation (EU) [API border management] where appropriate. That ***alignment*** concerns, in particular, the rules on data quality, the ~~air carriers' use of automated means for such collection, the~~ precise manner in which they are to transfer the collected API data to the router***, the encryption of API data in transit,*** and the deletion of the API data. ***Furthermore, and as set out in this Regulation and in the Regulation (EU) [API border management], air carriers should be required to collect the API data using automated means, specifically by reading information from the machine-readable data of the travel document. Where the use of such automated means is however not***	(11) ~~In order to ensure a consistent approach on the collection and transfer of API data by air carriers as much as possible, the rules set out in this Regulation should be aligned with those set out in the Regulation (EU) [API border management] where appropriate. That concerns, in particular, the rules on data quality, the air carriers' use of automated means for such collection, the precise manner in which they are to transfer the collected API data to the router and the deletion of the API data.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		possible, air carriers should collect the API data manually, either as part of the online check-in process, or as part of the check-in at the airport, in such a manner as to ensure compliance with their obligations under this Regulation.		
Recital 11a				
20a		***(11a) The collection of API data by automated means should be strictly limited to the alphanumerical data contained in the travel document and should not lead to the collection of any biometric data from it. As the collection of API data is part of the check-in process, either online or at the airport, it should not include an obligation for air carriers to check a travel document of the passenger at the moment of boarding. Compliance with this regulation should not include any obligation for passenger to carry a travel document at the moment of boarding.***		
Recital 11b				
20b				

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		(11b) The requirements set out by this Regulation and by the corresponding delegated and implementing acts should lead to a uniform implementation by the airlines, thereby minimising the cost of the interconnection of their respective systems. To facilitate a harmonised implementation of those requirements by the airlines, in particular as regards the data structure, format and transmission protocol, the Commission, based on its cooperation with the PIUs, other Member States authorities, air carriers, and relevant Union agencies, should ensure that the practical handbook to be prepared by Commission provides all the necessary guidance and clarifications.		
Recital 11c				
20c		*(11c) In order to enhance data quality, the router should verify whether the API data transferred to it by the air carriers complies with the supported data formats. Where the router has verified that the data is not compliant with the supported data formats, the router*		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		should, immediately and in an automated manner, notify the air carrier concerned thereof.		
Recital 11d				
20d		***(11d) In order to reduce the impact on air carriers, and with a view to create synergies with other reporting obligations on air carriers in Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) 767/2008 and avoid duplication, air carriers should transfer the API data at the moment of the check-in of each passenger by way of interactive API in accordance with international standards, using the existing carrier gateway. Air carriers should receive an acknowledgement of receipt to the transfer of interactive API, in line with international standards. The use of an interactive API should not lead to an automatic denial of boarding.***		
Recital 11e				
20e		***(11e) The passengers should be enabled to provide certain API***		

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		data themselves during an online check-in process. Such means could, for example, include a secure app on a passengers' smartphone, computer or webcam with the capability to read the machine-readable data of the travel document. Where the passengers did not check-in online, air carriers should provide them with the possibility to provide the required machine-readable API data concerned during check-in at the airport with the assistance of a self-service kiosk or of airline staff at the check-in counter. The Commission should ensure that the obligations under this Regulation do not lead to disproportionate obstacles for passengers unable to use online means for automated check-in, such as additional airport check-in fees.		
Recital 11f				
20f		***(11f) The automatic data collection systems and other processes established under this Regulation should not have a negative impact on the employees***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		in the aviation industry, who should benefit from upskilling and reskilling opportunities that would increase the efficiency and reliability of data collection and transfer as well as the working conditions in the sector.		
Recital 12				
21	(12) In order to ensure the joint processing of API data and PNR data to effectively fight terrorism and serious crime in the Union and at the same time minimise the interference with passengers' fundamental rights protected under the Charter, the PIUs should be the competent authorities in the Member States that are entrusted to receive, and subsequently further process and protect, API data collected and transferred under this Regulation. In the interest of efficiency and to minimise any security risks, the router, as designed, developed, hosted and technically maintained by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) in accordance with	(12) In order to ensure the joint processing of API data and PNR data to effectively fight terrorism and serious crime in the Union and at the same time minimise the interference with passengers' fundamental rights protected under the Charter, the PIUs should be the ***sole*** competent authorities in the Member States that are entrusted to receive, and subsequently further process and protect, API data collected and transferred under this Regulation. In the interest of efficiency and to minimise any security risks, the router, as designed, developed, hosted and technically maintained by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) in accordance with	(12) In order to ensure the joint processing of API data and PNR data to effectively fight terrorism and serious crime in the Union and at the same time minimise the interference with passengers' fundamental rights protected under the Charter, -the PIUs should be the competent authorities in the Member States that are entrusted to receive, and subsequently further process and protect, API data collected and transferred under this Regulation. In the interest of efficiency and to minimise any security risks, the router, as designed, developed, hosted and technically maintained by the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) in accordance with **this**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) [API border management], should transmit the API data, collected and transferred to it by the air carriers under this Regulation, to the relevant PIUs. Given the necessary level of protection of API data constituting personal data, including to ensure the confidentiality of the information concerned, the API data should be transmitted by the router to the relevant PIUs in an automated manner.	Regulation (EU) [API border management], should transmit the API data, collected and transferred to it by the air carriers under this Regulation, to the relevant PIUs. Given the necessary level of protection of API data constituting personal data, including to ensure the confidentiality of the information concerned, the API data should be transmitted by the router to the relevant PIUs in an automated manner.	**Regulation and** Regulation (EU) [API border management], should transmit the API data, collected and transferred to it by the air carriers under this Regulation, to the relevant PIUs. Given the necessary level of protection of API data constituting personal data, including to ensure the confidentiality of the information concerned, the API data should be transmitted by the router to the relevant PIUs in an automated manner. **Member States may establish a single data entry point that receives the API data from the router and that immediately and in an automated manner forwards it to the PIU of the Member State concerned.**	
Recital 12a				
21a		***(12a) With a view to guaranteeing the fulfilment of the rights provided for under the Charter and to ensuring accessible and inclusive travel options, especially for vulnerable groups and persons with disabilities, air carriers, supported by the Member States, should ensure that an offline***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		alternative for the check-in and for the provision of the necessary data by the passengers is possible at all times.		
Recital 13				
22	(13) For extra-EU flights, the PIU of the Member State on the territory of which the flight will land and or from the territory of which the flight will depart should receive the API data from the router for all those flights, given that that PNR data is collected for all those flights in accordance with Directive (EU) 2016/681. The router should identify the flight and the corresponding PIUs using the information contained in the PNR record locator, a data element common to both the API and PNR data sets allowing for the joint processing of API data and PNR data by the PIUs.	(13) For extra-EU flights, the PIU of the Member State on ~~the~~***whose*** territory ~~of which~~ the flight will land and or from ~~the territory of which~~***where*** the flight will depart should receive the API data from the router for all those flights, ~~given that~~ that PNR data is collected for ~~all those flights~~ in accordance with Directive (EU) 2016/681. The router should identify the flight and the corresponding PIUs using the information contained in the PNR record locator, a data element common to both the API and PNR data sets allowing for the joint processing of API data and PNR data by the PIUs.	(13) For extra-EU flights, the PIU of the Member State on the territory of which the flight will land and or from the territory of which the flight will depart should receive the API data from the router for all those flights, given that that PNR data is collected for all those flights in accordance with Directive (EU) 2016/681. The router should identify the flight and the corresponding PIUs using the information contained in the PNR record locator, a data element common to both the API and PNR data sets allowing for the joint processing of API data and PNR data by the PIUs.	
Recital 14				
23	(14) As regards intra-EU flights, in line with the case law of the Court of Justice of the European	(14) As regards intra-EU flights, in line with the case law of the Court of Justice of the European	(14) As regards intra-EU flights, in line with the case law of the Court of Justice of the European	

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	Union (CJEU), in order to avoid unduly interfering with the relevant fundamental rights protected under the Charter and to ensure compliance with the requirements of Union law on the free movement of persons and the abolition of internal border controls, a selective approach should be provided for. In view of the importance of ensuring that API data can be processed together with PNR data, that approach should be aligned with that of Directive (EU) 2016/681. For those reasons, API data on those flights should only be transmitted from the router to the relevant PIUs, where the Member States have selected the flights concerned in application of Article 2 of Directive (EU) 2016/681. As recalled by the CJEU, the selection entails Member States targeting the obligations in question only at, inter alia, certain routes, travel patterns or airports, subject to the regular review of that selection.	Union (CJEU), in order to avoid unduly interfering with ~~the~~***passengers'*** relevant fundamental rights ***as*** protected under the Charter and to ensure compliance with the requirements of Union law on the free movement of persons and the abolition of internal border controls, a selective approach should be provided for. ***This is with the exception of situations of a genuine and present or foreseeable terrorist threat, where Member States should be able to apply Directive (EU) 2016/681 to all intra-EU flights arriving at or departing from its territory, in a decision that is limited in time to what is strictly necessary and that is open to effective review.*** In view of the importance of ensuring that API data can be processed together with PNR data, that approach should be aligned with that of Directive (EU) 2016/681. For those reasons, API data on those flights should only be transmitted from the router to the relevant PIUs, where the Member States have selected the flights concerned in application of Article 2 of Directive (EU) 2016/681. As recalled by the CJEU, the selection	Union (CJEU), in order to avoid unduly interfering with the relevant fundamental rights protected under the Charter and to ensure compliance with the requirements of Union law on the free movement of persons and the abolition of internal border controls, a selective approach should be provided for. In view of the importance of ensuring that API data can be processed together with PNR data, that approach should be aligned with that of Directive (EU) 2016/681. For those reasons, API data on those flights should only be transmitted from the router to the relevant PIUs, where the Member States have selected the flights concerned in application of Article 2 of Directive (EU) 2016/681. As recalled by the CJEU, the selection entails Member States targeting the obligations in question only at, inter alia, certain routes, travel patterns or airports, subject to the regular review of that selection. **As recalled by the CJEU, a Member State may select all intra-EU flights under this approach when duly justified.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		entails Member States targeting the obligations in question only at, inter alia, certain routes, travel patterns or airports, subject to the regular review of that selection. ***Furthermore, the selection criteria should be relevant for the prevention, detection, investigation and prosecution of terrorist offences and serious crime and should demonstrate an objective link or suspicion of a link, with the carriage of passengers by air.***		
Recital 14a				
23a		***(14a) In order to comply with the requirements of the Court of Justice of the European Union (CJEU), this Regulation should lay down a common methodology for carrying out a threat assessment based on which the Member States should operate a selection of intra-EU flights. That common methodology should also help avoid divergent practices among Member States and allow for effective supervision by the national data protection authorities.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 15				
24	(15) In order to enable the application of that selective approach under this Regulation in respect of intra-EU flights, the Member States should be required to draw up and submit to eu-LISA the lists of the flights they selected, so that eu-LISA can ensure that only for those flights API data is transmitted from the router to the relevant PIUs and that the API data on other intra-EU flights is immediately and permanently deleted.	(15) In order to enable the application of that selective approach under this Regulation in respect of intra-EU flights, the Member States should be required to draw up and submit to eu-LISA the lists of the flights they selected, so that eu-LISA can ensure that only ***API data*** for those flights ~~API data~~ is transmitted from the router to the relevant PIUs and that the API data on other intra-EU flights is immediately and permanently deleted.	(15) In order to enable the application of that selective approach under this Regulation in respect of intra-EU flights, the Member States should be required to draw up ~~and submit to eu-LISA the~~ lists of the flights **or routes** they selected **and insert these into the router**, so that eu-LISA can ensure that only for those flights **or routes** API data is transmitted from the router to the relevant PIUs and that the API data on other intra-EU flights is immediately and permanently deleted.	
Recital 15a				
24a		***(15a) In order to increase cohesion among the selective approaches taken by the different Member States, the Commission should facilitate a regular exchange of views on the choice of selection criteria, including the sharing of best practices, as well as, on a voluntary basis, of selected flights.***		
Recital 16				

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25	(16) In order not to endanger the effectiveness of the system that relies on the collection and transfer of API data set up by this Regulation, and of PNR data under the system set up by Directive (EU) 2016/681, for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, in particular by creating the risk of circumvention, information on which intra-EU flights the Member States selected should be treated in a confidential manner. For that reason, such information should not be shared with the air carriers and they should therefore be required to collect API data on all flights covered by this Regulation, including all intra-EU flights, and then transfer it to the router, where the necessary selection should be enacted. Moreover, by collecting API data on all intra-EU flights, passengers are not made aware on which selected intra-EU flights API data, and hence also PNR data, is transmitted to PIUs in accordance with Member States' assessment. That approach also ensures that any changes relating to	(16) In order not to endanger the effectiveness of the system that relies on the collection and transfer of API data set up by this Regulation, and of PNR data under the system set up by Directive (EU) 2016/681, for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, in particular by creating the risk of circumvention, information on which intra-EU flights the Member States selected should be treated in a confidential manner. For that reason, such information should not be shared with the air carriers and they should therefore be required to collect API data on all flights covered by this Regulation, including all intra-EU flights, and then transfer it to the router, where the necessary selection should be enacted. Moreover, by collecting API data on all intra-EU flights, passengers are not made aware on which selected intra-EU flights API data, and hence also PNR data, is transmitted to ***the*** PIUs in accordance with ***the assessment of*** Member States~~' assessment~~. That approach also ensures that any	(16) In order not to endanger the effectiveness of the system that relies on the collection and transfer of API data set up by this Regulation, and of PNR data under the system set up by Directive (EU) 2016/681, for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, in particular by creating the risk of circumvention, information on which intra-EU flights the Member States selected should be treated in a confidential manner. For that reason, such information should not be shared with the air carriers and they should therefore be required to collect API data on all flights covered by this Regulation, including all intra-EU flights, and then transfer it to the router, where the necessary selection should be enacted. Moreover, by collecting API data on all intra-EU flights, passengers are not made aware on which selected intra-EU flights API data, and hence also PNR data, is transmitted to PIUs in accordance with Member States' assessment. That approach also ensures that any changes relating to	

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	that selection can be implemented swiftly and effectively, without imposing any undue economic and operational burdens on the air carriers.	changes relating to that selection can be implemented swiftly and effectively, without imposing any undue economic and operational burdens on the air carriers. ***Nonetheless, API data should not be collected and transferred on those flights where neither the Member State of departure nor the Member State of arrival of intra-EU flights have notified the Commission of their decision to apply Directive (EU) 2016/681 to intra-EU flights, pursuant to Article 2 of that Directive.***	that selection can be implemented swiftly and effectively, without imposing any undue economic and operational burdens on the air carriers.	
Recital 16a				
25a		***(16a) This Regulation does not permit the collection and transfer of API data on intra-EU flights for the purposes of combating illegal immigration, in accordance with Union law and the case law of the Court of Justice of the European Union.***		
Recital 17				
26	(17) In the interest of ensuring compliance with the fundamental right to protection of personal data	(17) In the interest of ensuring compliance with the ***passengers'*** fundamental right to ***the*** protection	(17) In the interest of ensuring compliance with the fundamental right to protection of personal data	

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	and in line with Regulation (EU) [API border management], this Regulation should identify the controllers. In the interest of effective monitoring, ensuring adequate protection of personal data and minimising security risks, rules should also be provided for on logging, security of processing and self-monitoring. Where they relate to the processing of personal data, those provisions should be understood as complementing the generally applicable acts of Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council[1], Directive (EU) 2016/680 of the European Parliament and the Council[2] and Regulation (EU) 2018/1725 of the European Parliament and the Council[3]. Those acts, which also apply to the processing of personal data under this Regulation in accordance with the provisions thereof, should not be affected by this Regulation. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive	of ***their*** personal data and in line with Regulation (EU) [API border management], this Regulation should identify the controllers. In the interest of effective monitoring, ensuring adequate protection of personal data and minimising security risks, rules should also be provided for on logging, security of processing and self-monitoring. Where they relate to the processing of personal data, those provisions should be understood as complementing the generally applicable acts of Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council[1], Directive (EU) 2016/680 of the European Parliament and the Council[2] and Regulation (EU) 2018/1725 of the European Parliament and the Council[3]. Those acts, which also apply to the processing of personal data under this Regulation in accordance with the provisions thereof, should not be affected by this Regulation. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of	and in line with Regulation (EU) [API border management], this Regulation should ~~identify the~~ **lay down rules on personal data** controllers. In the interest of effective monitoring, ensuring adequate protection of personal data and minimising security risks, rules should also be provided for on logging, security of processing and self-monitoring. Where they relate to the processing of personal data, those provisions should be ~~understood as complementing~~ **in line with** the generally applicable acts of Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council[1], Directive (EU) 2016/680 of the European Parliament and the Council[2] and Regulation (EU) 2018/1725 of the European Parliament and the Council[3]. ~~Those acts, which also apply to the processing of personal data under this Regulation in accordance with the provisions thereof, should not be affected by this Regulation.~~ _____ 1. **[1]** Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1. 2. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89. 3. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39	personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1. 2. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89. 3. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39	processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1. 2. **[2]** Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89. 3. **[3]** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39	
Recital 17a				
26a		***(17a) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure that passengers are provided with accurate information about the collection***	**(17a) Without prejudice to more specific rules laid down in this Regulation for the processing of personal data, Regulation (EU) 2016/679 should apply to the processing of personal data by air carriers under this**	

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		of API data, the transfer of that data to the PIU and their rights as data subjects that is easily accessible and easy to understand, at the moment of the flight booking and at the moment of check-in.	**Regulation. Directive (EU) 2016/680 should apply to the processing of personal data under this Regulation by national competent authorities, as defined in that directive, for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2018/1725 of the European Parliament and of the Council should apply to the processing of personal data by eu-LISA when carrying out its responsibilities under this Regulation.**	
Recital 17b				
26b		*(17b) In order to ensure compliance with the fundamental right to the protection of personal data, this Regulation should also set out rules on audits. The audits that Member States are responsible for should be carried out by the supervisory authorities referred to in Article 41 of Directive (EU) 2016/680 or by an*	**(17b) In the interest of ensuring compliance with the fundamental right to protection of personal data, this Regulation should also set out rules on audits. The audits that Member States are responsible for should be carried out by the supervisory authorities referred to in Article 41 of Directive (EU) 2016/680 or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		auditing body entrusted with this task by the supervisory authority.	**by an auditing body entrusted with this task by the supervisory authority.**	
Recital 17c				
26c		*(17c) In order to avoid that air carriers have to establish and maintain multiple connections with PIUs for the transfer of API data and PNR data, and to avoid the related inefficiencies and security risks, provision should be made for a single router, created and operated at the Union level, that should serve as a connection, filter and distribution point for those transfers. In the interest of efficiency and cost effectiveness, the router should, to the extent technically possible and in full respect of the rules of this Regulation and Regulation (EU) [API border management], rely on technical components from other relevant systems created under Union law, in particular the web service referred to in Regulation (EU) 2017/2226, the carrier gateway referred to in Regulation (EU) 2018/1240 and the carrier gateway referred to in Regulation (EC) 767/2008. In order to reduce*	**(17c) As responsible for the design, development, hosting and technical management of the router, eu-LISA should be the controller for its processing of API data constituting personal data via the router, including the storage of that data on the router insofar as such storage is needed for technical purposes. Member States should designate authorities to be controllers for the receipt of API data from the router. The air carriers, in turn, should be separate controllers regarding the processing of API data constituting personal data that they are obliged to undertake under this Regulation. On this basis, the air carriers, eu-LISA and the authorities designated by the Member State, should be separate data controllers with regard to their own respective processing of API data under this Regulation.**	

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		the impact on air carriers and ensure a harmonised approach towards air carriers, eu-LISA should design the router, to the extent technically and operationally possible, in a way that is coherent and consistent with the obligations put on air carriers by Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) 767/2008.		
Recital 17d				
26d		***(17d) Furthermore, in order to provide for the same level of clarity and certainty, the provisions related to the router, security and support tasks by the eu-LISA should be mirrored in this Regulation and Regulation (EU) [API border management].***		
Recital 17e				
26e		***(17e) The router should serve only to facilitate the transmission of API data from the air carriers to the PIUs in accordance with this Regulation, and should not be a repository of API data.***		

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		Therefore, and in order to minimise any risk of unauthorised access or other misuse and in accordance with the principle of data minimisation, no storage should take place unless strictly necessary for technical purposes related to the transmission and the API data should be deleted from the router, immediately, permanently and in an automated manner, from the moment that the transmission has been completed.		
Recital 17f				
26f		***(17f) With a view to ensuring the proper functioning of the transmission of API data from router, the Commission should be empowered to lay down detailed technical and procedural rules on that transmission. Those rules should be such as to ensure that the transmission is secure, effective and swift and impacts passengers' travel rights and air carriers no more than necessary.***		
Recital 18				
27	(18) The router to be created and	(18) The router to be created and	(18) The router to be created and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operated under Regulation (EU) [API border management] should reduce and simplify the technical connections needed to transfer API data, limiting them to a single connection per air carrier and per PIU. Therefore, this Regulation provides for the obligation for the PIUs and air carriers to each establish such a connection to, and achieve the required integration with, the router, so as to ensure that the system for transferring API data established by this Regulation can function properly.	operated under ***this Regulation and*** Regulation (EU) [API border management] should reduce and simplify the technical connections needed to transfer API data ***and PNR data***, limiting them to a single connection per air carrier and per PIU. Therefore, this Regulation provides for the obligation for the PIUs and air carriers to each establish such a connection to, and achieve the required integration with, the router, so as to ensure that the system for transferring API data established by this Regulation can function properly. ***The design and development of the router by eu-LISA should enable the effective and efficient connection and integration of air carriers' systems and infrastructure by providing for all relevant standards and technical requirements. To ensure the proper functioning of the system set up by this Regulation, detailed rules should be provided. When designing and developing the router, eu-LISA should ensure that API data transferred by air carriers and transmitted to PIUs is encrypted in transit.***	operated under **this Regulation and** Regulation (EU) [API border management] should reduce and simplify the technical connections needed to transfer API data, limiting them to a single connection per air carrier and per PIU. Therefore, this Regulation provides for the obligation for the PIUs and air carriers to each establish such a connection to, and achieve the required integration with, the router, so as to ensure that the system for transferring API data established by this Regulation can function properly.	

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Recital 19				
28	(19) In view of the Union interests at stake, appropriate costs incurred by the Member States in relation to their connections to, and integration with, the router, as required under this Regulation, should be borne by the Union budget, in accordance with the applicable legislation and subject to certain exceptions. The costs covered by those exceptions should be borne by each Member State concerned itself.	(19) In view of the Union interests at stake, ***the costs incurred by the European Data Protection Supervisor and eu-LISA for the performance of its tasks under this Regulation in respect of the router should be borne by the Union budget. The same should go for*** appropriate costs incurred by the Member States in relation to their connections to, and integration with, the router~~,~~ ***and costs related to the maintenance of those connections*** as required under this Regulation, should be borne by the Union budget, in accordance with the applicable legislation and subject to certain exceptions. The costs covered by those exceptions should be borne by each Member State concerned itself. ***The Union budget should also cover the support, such as training, by eu-LISA to air carriers and PIUs to enable effective transfer and transmission of API data through the router. The costs incurred by the independent national supervisory authorities in relation to the tasks entrusted to them***	(19) In view of the Union interests at stake, ~~appropriate~~ **all the costs incurred by eu-LISA for the performance of its tasks under this Regulation in respect of the router should be borne by the Union budget, including the design and development of the router, the hosting and technical management of the router, and the governance structure at eu-LISA to support the design, development, hosting and technical management of the router. The same may apply for the** costs incurred by the Member States in relation to their connections to, and integration with, the router **and their maintenance**, as required under this Regulation, **in accordance with the applicable legislation. It is important that** ~~should be borne by~~ the Union budget~~, in accordance with the applicable legislation and subject to certain exceptions. The costs covered by those exceptions~~ **provides appropriate financial support to the Member States for that. To that end, the financial needs of the Member States**	

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		under this Regulation shall also be borne by the respective Member States.	should be ~~borne by each Member State concerned itself~~**addressed by the Instrument for Financial Support for Border Management and Visa Policy and by the Internal Security Fund, including through their thematic facilities and in the mid-term review allocations, and in the programming of their successor instruments**.	
Recital 20				
29	(20) In accordance with Regulation (EU) 2018/1726, Member States may entrust eu-LISA with the task of facilitating connectivity with air carriers in order to assist Member States in the implementation of Directive (EU) 2016/681, particularly by collecting and transferring PNR data via the router.	(20) ~~*In accordance with Regulation (EU) 2018/1726, Member States may entrust eu-LISA with the task of facilitating connectivity with air carriers in order to assist Member States in the implementation of Directive (EU) 2016/681, particularly by collecting and transferring PNR data via the router.*~~	(20) In accordance with Regulation (EU) 2018/1726, Member States may entrust eu-LISA with the task of facilitating connectivity with air carriers in order to assist Member States in the implementation of Directive (EU) 2016/681, particularly by collecting and transferring PNR data via **a router. To that end, and for reasons of cost effectiveness and efficiency for both Member States and air carriers, Member States should have the possibility to decide, without however being obliged to do so, to require air carriers to use** the router **for the transfer to the databases of their respective**	

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			PIUs of other PNR data covered by Directive (EU) 2016/681, as part of their national measures implementing Article 8(1) of that Directive, in the same way as for the transfer of API data in respect of which this Regulation lays down a mandatory regime.	
Recital 20a				
29a		***(20a) In order to allow both the air carriers and the PIUs to make the most efficient use of their connections to the router, to prevent any duplication of passenger data transfers and processing, and to ensure compliance with the CJEU case-law and enhance the related monitoring and supervision, this Regulation should provide for the mandatory use of the router by the air carriers for transferring PNR data, and for the PIUs for receiving such data. The router should constitute the only necessary and available means for the Member States to require air carriers to comply with the obligations related to transfer of PNR data as foreseen by the PNR Directive.***	**(20a) In order to ensure that the data at issue is processed in a lawful, secure, effective and swift manner also where Member States make use of that possiblity, the rules established by this Regulation in relation to the router, the transfer of API data from air carriers to the router and the transmission of API data from the router to the PIUs should in such a case also apply accordingly to the other PNR data in question. In that case, those rules should thus apply in the same manner, despite the data in question being other PNR data rather than API data. Those rules also include the obligations of this Regulation regarding the transfer and transmission of data in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			connection to intra-EU flights, in line with the case law of the Court of Justice of the European Union (CJEU), as well as regarding the air carriers' and the PIU's connections to the router.	
Recital 20b				
29b			**(20b) It is appropriate to clarify that any exercise of the possibility provided for in this Regulation regarding the use of the router in connection to such other PNR data affects only the manner in which those data are transferred and transmitted to the databases of the PIUs of the Member States concerned. Therefore, the exercise of that possibility should not be understood to mean that in such a case the obligations of this Regulation regarding the collection of API data become applicable in respect of all those other PNR data. Such collection should instead continue to be regulated solely by Directive (EU) 2016/681, that is to say only to the extent that air carriers have already collected such data**	

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			in the normal course of their business within the meaning of Article 8(1) of that Directive. Moreover, as is the case for API data collected by air carriers and transmitted to the PIUs in accordance with this Regulation, the rules of that Directive in respect of matters not specifically covered by this Regulation, especially the rules on the subsequent processing of other PNR data received by the PIUs, should be left unaffected. Therefore, those rules continue to apply in respect of that data, regardless of whether a Member State has exercised that possibility.	
Recital 21				
30	(21) It cannot be excluded that, due to exceptional circumstances and despite all reasonable measures having been taken in accordance with this Regulation and, as regards the router, Regulation (EU) [API border management], the router or the systems or infrastructure connecting the PIUs and the air carriers thereto fail to function properly, thus leading to a	(21) It cannot be excluded that, due to exceptional circumstances and despite all reasonable measures having been taken in accordance with this Regulation and~~, *as regards the router,*~~ Regulation (EU) [API border management], the router or the systems or infrastructure connecting the PIUs and the air carriers thereto fail to function properly, thus leading to a	(21) It cannot be excluded that, due to exceptional circumstances and despite all reasonable measures having been taken in accordance with this Regulation~~ and, as regards the router, Regulation (EU) [API border management]~~, the router or the systems or infrastructure connecting the PIUs and the air carriers thereto fail to function properly, thus leading to a	

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	technical impossibility to use the router to transmit API data. Given the unavailability of the router and that it will generally not be reasonably possible for air carriers to transfer the API data affected by the failure in a lawful, secure, effective and swift manner through alternative means, the obligation for air carriers to transfer that API data to the router should cease to apply for as long as the technical impossibility persist. In order to minimise the duration and negative consequences thereof, the parties concerned should in such a case immediately inform each other and immediately take all necessary measures to address the technical impossibility. This arrangement should be without prejudice to the obligations under this Regulation of all parties concerned to ensure that the router and their respective systems and infrastructure function properly, as well as the fact that air carriers are subject to penalties when they fail to meet those obligations, including when they seek to rely on this arrangement where such reliance is not justified. In order to deter such abuse and to facilitate supervision and, where	technical impossibility to use the router to transmit API data. Given the unavailability of the router and that it will generally not be reasonably possible for air carriers to transfer the API data affected by the failure in a lawful, secure, effective and swift manner through alternative means, the obligation for air carriers to transfer that API data to the router should cease to apply for as long as the technical impossibility persist. In order to minimise the duration and negative consequences thereof, the parties concerned should in such a case immediately inform each other and immediately take all necessary measures to address the technical impossibility. This arrangement should be without prejudice to the obligations under this Regulation of all parties concerned to ensure that the router and their respective systems and infrastructure function properly, as well as the fact that air carriers are subject to penalties when they fail to meet those obligations, including when they seek to rely on this arrangement where such reliance is not justified. In order to deter such abuse and to facilitate supervision and, where	technical impossibility to use the router to transmit API data. Given the unavailability of the router and that it will generally not be reasonably possible for air carriers to transfer the API data affected by the failure in a lawful, secure, effective and swift manner through alternative means, the obligation for air carriers to transfer that API data to the router should cease to apply for as long as the technical impossibility ~~persist~~**persists. However, air carriers should continue to collect and store API data so that it can be transferred as soon as the technical impossiblity has been resolved**. In order to minimise the duration and negative consequences ~~thereof~~**any technical impossibility** , the parties concerned should in such a case immediately inform each other and immediately take all necessary measures to address the technical impossibility. This arrangement should be without prejudice to the obligations under this Regulation of all parties concerned to ensure that the router and their respective systems and infrastructure function properly, as well as the fact that air carriers are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	necessary, the imposition of penalties, air carriers that rely on this arrangement on account of the failure of their own system and infrastructure should report thereon to the competent supervisory authority.	necessary, the imposition of penalties, air carriers that rely on this arrangement on account of the failure of their own system and infrastructure should report thereon to the competent supervisory authority.	subject to penalties when they fail to meet those obligations, including when they seek to rely on this arrangement where such reliance is not justified. In order to deter such abuse and to facilitate supervision and, where necessary, the imposition of penalties, air carriers that rely on this arrangement on account of the failure of their own system and infrastructure should report thereon to the competent supervisory authority.	
Recital 21a				
30a			**(21a) Where air carriers maintain direct connections to PIUs for the transfer of API data, these connections may provide appropriate means ensuring the necessary level of data security to transfer API data directly to the PIUs in case of technical impossibility to use the router. PIUs should be able, in the exceptional case of technical impossibility to use the router, to request air carriers to use such appropriate means. This should not imply an obligation on air carriers to**	

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			maintain or introduce such direct connections or any other appropriate means ensuring the necessary level of data security to transfer API data directly to the PIUs.	
Recital 22				
31	(22) In order to ensure that the rules of this Regulation are applied effectively by air carriers, provision should be made for the designation and empowerment of national authorities charged with the supervision of those rules. The rules of this Regulation on such supervision, including as regards the imposition of penalties where necessary, should leave the tasks and powers of the supervisory authorities established in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680 unaffected, including in relation to the processing of personal data under this Regulation.	(22) In order to ensure that the rules of this Regulation are applied effectively by air carriers, provision should be made for the designation and empowerment of national authorities charged with the supervision of those rules. The rules of this Regulation on such supervision, including as regards the imposition of penalties where necessary, should leave the tasks and powers of the supervisory authorities established in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680 unaffected, including in relation to the processing of personal data under this Regulation.	(22) In order to ensure that the rules of this Regulation are applied effectively by air carriers, provision should be made for the designation and empowerment of national authorities **as national API supervision authorities** charged with the supervision of those rules**. Member States may designate their PIUs as national API supervision authorities**. The rules of this Regulation on such supervision, including as regards the imposition of penalties where necessary, should leave the tasks and powers of the supervisory authorities established in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680 unaffected, including in relation to the processing of personal data under this Regulation.	

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Recital 23				
32	(23) Effective, proportionate and dissuasive penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the collection and transfer of API data under this Regulation.	(23) Effective, proportionate and dissuasive penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the collection and transfer of API ***and PNR*** data under this Regulation.	(23) Effective, proportionate and dissuasive penalties, ~~including~~ **which include** financial **as well as non-financial** ones, should be provided for by Member States against those air carriers failing to meet their obligations **under this Regulation, including on** ~~regarding~~ the collection **of API data by automated means and the** ~~and~~ transfer of **the data in accordance with the required time frames, formats and protocols. In particular, Member States should ensure that a recurrent failure on the part of air carriers as legal persons to comply with their obligation to transfer any** API data **to the router in accordance with this Regulation is subject to proportionate financial penalties of up to 4% of the air carrier's global turnover of the preceding financial year. In addition, Member States may apply financial penalties to air carriers for other forms of non-compliance with obligations** under this Regulation.	

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Recital 23a				
32a		*(23a) When providing for the penalties applicable to air carriers under this Regulation, Member States should take into account the technical and operational feasibility of ensuring complete data accuracy. Additionally, when penalties are imposed, their application and value should be established taking into consideration the actions undertaken by the air carrier to mitigate the issue as well as its level of cooperation with national authorities.*		
Recital 23b				
32b		*(23b) In order to store the reports and statistics of the router on the Central Repository for Reporting and Statistics, it is necessary to amend Regulation (EU) 2019/817 of the European Parliament and of the Council.[1] The Central Repository for Reporting and Statistics should provide only statistics based on API data for the implementation and effective supervision of this Regulation.*		

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		The data that the router automatically transmits to the Central Repository for Reporting and Statistics to that end should not allow for the identification of the passengers concerned. The router should not transmit any data to the Central Repository for Reporting and Statistics for those intra-EU flights that have not been selected by a Member State based on an assessment in compliance with the criteria and methodology for the selection of intra-EU flights set out in this Regulation. _____ ***1. Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).***		
Recital 24				
33	(24) In order to adopt measures relating to the technical	(24) In order to adopt measures relating to the technical	(24) In order to ~~adopt measures relating to~~**ensure uniform**	

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	requirements and operational rules for the automated means for the collection of machine-readable API data, to the common protocols and formats to be used for the transfer of API data by air carriers, to the technical and procedural rules for the transmission of API data from the router and to the PIUs and to the PIU's and air carriers' connections to and integration with the router, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles 4, 5, 10 and 11, respectively. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts	requirements and operational rules for the automated means for the collection of machine-readable API data, to the common protocols and formats to be used for the transfer of API data by air carriers, to the technical and procedural rules for the transmission of API data from the router and to the PIUs and to the PIU's and air carriers' connections to and integration with the router, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles 4, 5, 10 and 11, respectively. It is of particular importance that the Commission carry out appropriate consultations ***with relevant stakeholders, including air carriers,*** during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at	**conditions for the implementation of this Regulation, namely as regards** the technical requirements and operational rules for the automated means for the collection of machine-readable API data, to the common protocols and formats to be used for the transfer of API data by air carriers, to the **rules on correcting, completing and updating API data, to the technical and procedural rules for the data verifications and notifications, to the** technical and procedural rules for the transmission of API data from the router and to the PIUs~~ and~~**,** to the PIU's and air carriers' connections to and integration with the router~~,~~ ~~the power to adopt acts in accordance with Article 290~~ **and to the start of operations** of the ~~Treaty on the Functioning of the European Union~~**router, implementing powers** should be ~~delegated to~~**conferred on** the Commission~~ in respect of Articles 4, 5, 10 and 11, respectively. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and~~	

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	systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ***Taking into account the state of the art, those technical requirements and rules might change over time.*** _____ 1. OJ L 123, 12.5.2016, p. 1.	~~that those consultations be conducted~~**. Those powers should be exercised** in accordance with ~~the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016~~[1]. In particular, to ensure equal participation in the preparation of delegated acts, **Regulation (EU) No 182/2011 of** the European Parliament and ~~the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.~~**of the Council.** _____ ~~1. OJ L 123, 12.5.2016, p. 1.~~	
Recital 24a				
33a		***(24a) It is important to collect reliable and useful statistics based on the implementation of this Regulation in order to support its objectives and inform the evaluations under this Regulation. Such statistics should not contain any personally identifiable data. All relevant stakeholders, including relevant Member State authorities, Europol and, where***		

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		appropriate, air carriers, should have access to those statistics.		
Recital 24b				
33b		***(24b) In order to ensure uniform conditions for the implementation of this Regulation, namely as regards the start of operations of the router, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1].*** _____ ***1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).***		
Recital 25				
34	(25) All interested parties, and in particular the air carriers and the PIUs, should be afforded sufficient time to make the necessary preparations to be able to meet	(25) All interested parties, and in particular the air carriers and the PIUs, should be afforded sufficient time to make the necessary preparations to be able to meet	(25) All interested parties, and in particular the air carriers and the PIUs, should be afforded sufficient time to make the necessary preparations to be able to meet	

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	their respective obligations under this Regulation, taking into account that some of those preparations, such as those regarding the obligations on the connection to and integration with the router, can only be finalised when the design and development phases of the router have been completed and the router starts operations. Therefore, this Regulation should apply only from an appropriate date after the date at which the router starts operations, as specified by the Commission in accordance with Regulation (EU) [API border management]. However, it should be possible for the Commission to adopt delegated acts under this Regulation already from an earlier date, so as to ensure that the system set up by this Regulation is operational as soon as possible.	their respective obligations under this Regulation, taking into account that some of those preparations, such as those regarding the obligations on the connection to and integration with the router, can only be finalised when the design and development phases of the router have been completed and the router starts operations. Therefore, this Regulation should apply only from an appropriate date after the date at which the router starts operations, as specified by the Commission in accordance with ***this Regulation and*** Regulation (EU) [API border management]. ~~*However, it should be possible for the Commission to adopt delegated acts under this Regulation already from an earlier date, so as to ensure that the system set up by this Regulation is operational as soon as possible.*~~	their respective obligations under this Regulation, taking into account that some of those preparations, such as those regarding the obligations on the connection to and integration with the router, can only be finalised when the design and development phases of the router have been completed and the router starts operations. Therefore, this Regulation should apply only from an appropriate date after the date at which the router starts operations, as specified by the Commission in accordance with **this Regulation and** Regulation (EU) [API border management]. However, it should be possible for the Commission to adopt ~~delegated~~ **implementing** acts under this Regulation already from an earlier date, so as to ensure that the system set up by this Regulation is operational as soon as possible.	
Recital 25a				
34a			**(25a) However, the design and development phases of the router established under this Regulation and Regulation (EU) [API border management] should be commenced and completed as**	

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			soon as possible so that the router can start operations as soon as possible, which also requires the adoption of the relevant implementing acts provided for by this Regulation. For the smooth and effective development of these phases, a dedicated Programme Management Board should be established with the function to supervise eu-LISA on fulfilling its tasks during these phases. It should cease to exist two years after the router have started its operations. In addition, a dedicated advisory body, the API-PNR Advisory Group, should be created in accordance with Regulation (EU) 2018/1726, with the objectives to provide expertise to eu-LISA and to the Programme Management Board on the design and development phases of the router, as well as to eu-LISA on the hosting and management of the router. The Programme Management Board and the API-PNR Advisory Group should be established and operated following the models of existing programme management boards and	

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			advisory groups.	
Recital 25b				
34b			**(25b) The clarification provided by this Regulation regarding the application of specifications concerning the use of automated means in application of Directive 2004/82/EC should also be provided without delay. Therefore, the articles on those matters should apply from the date of the entry into force of this Regulation. In addition, in order to allow for the voluntary use of the router as soon as possible, the article on such use, as well as certain other articles needed to ensure that such use takes place in a responsible manner, should apply from the earliest possible moment, that is, from the moment at which the router starts operations.**	
Recital 25c				
34c			**(25c) There should be a single governance structure for the purposes of this Regulation and Regulation [API border**	

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			management]. With the objective to enable and foster communication between the representatives of air carriers, of Member States authorities competent under this Regulation and under Regulation [API border management] to have API data transmitted from the router, two dedicated bodies should be established at the latest two years after the start of operations of the router. Technical matters related to the usage and functioning of the router should be discussed in the API-PNR Contact Group where eu-LISA representatives should be also present. Policy matters such as in relation to penalties should be discussed in the API Expert Group.	
Recital 25d				
34d			**(25d) As the router should be designed, developed, hosted and technically managed by the eu-LISA, established by Regulation (EU) 2018/1726 of the European Parliament and of the Council, it is necessary to amend that Regulation by adding that task to**	

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			the tasks of eu-LISA. In order to store reports and statistics of the router on the Common Repository for Reporting and Statistics it is necessary to amend Regulation (EU) 2019/818 of the European Parliament and of the Council. In order to support the enforcement of this Regulation by the national API supervision authority, this should include statistics on whether the API data is accurate and complete, for example by indicating whether the data was collected by automated means.	
Recital 25e				
34e		***(25a) This Regulation should be subject to regular evaluations to ensure the monitoring of its effective application. In particular, the collection of API data should not be to the detriment of the travel experience of legitimate passengers. Therefore, the Commission should include in its regular evaluation reports on the application of this Regulation an assessment of the impact of this Regulation on the travel experience of legitimate***		

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		passengers.		
Recital 25b				
34f		***(25b) Given that this Regulation requires additional adjustment and administrative costs by the air carriers, the overall regulatory burden for the aviation sector should be kept under close review. Against this backdrop, the report evaluating the functioning of this Regulation should assess the extent to which the objectives of the Regulation have been met and to which it has impacted the competitiveness of the sector. Therefore, the Commission's report should also conduct a holistic assessment and refer to the interaction of this Regulation with other relevant EU legislative acts, in particular Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) 767/2008. The report should assess the overall impact of related reporting obligations on air carriers, identifying provisions that could be updated and simplified, where appropriate, to mitigate the burden on air carriers, as well as actions and***		

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		measures that have been or could be taken to reduce the total cost pressure on the aviation sector.		
Recital 26				
35	(26) The objectives of this Regulation, namely contributing to the prevention, detection, investigation and prosecution of terrorist offences and serious crime, in view of the transnational dimension of the offences concerned and the need to cooperate on a cross-border basis to effectively address them, cannot be sufficiently achieved by the Member States individually, but can rather be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(26) The objectives of this Regulation, namely contributing to the prevention, detection, investigation and prosecution of terrorist offences and serious crime, in view of the transnational dimension of the offences concerned and the need to cooperate on a cross-border basis to effectively address them, cannot be sufficiently achieved by the Member States individually, but can rather be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(26) The objectives of this Regulation, namely contributing to the prevention, detection, investigation and prosecution of terrorist offences and serious crime, in view of the transnational dimension of the offences concerned and the need to cooperate on a cross-border basis to effectively address them, cannot be sufficiently achieved by the Member States individually, but can rather be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
Recital 26a				

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35a			**(26a) As national security remains the sole responsibility of each Member State, this Regulation should not prevent Member States from adopting or maintaining their own respective national schemes for the collection of API data for national security purposes outside the scope of and without prejudice to applicable Union law.**	
Recital 26b				
35b			**(26b) This Regulation should not affect the possibility for Member States to provide, under their national law, for a system of collecting API data from transportation providers other than those specified in this Regulation, provided that such national law complies with Union law.**	
Recital 27				
36	(27) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to	(27) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to	(27) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to	

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	the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
Recital 28				
37	(28) [In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	(28) [In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]	(28) ~~[~~In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.~~] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]~~	

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Recital 29				
38	(29) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX].[1] _____ 1. [OJ C …]	(29) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX].[1] _____ 1. [OJ C …]	(29) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [XX].[1] _____ 1. [OJ C …]	
Formula				
39	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
CHAPTER 1				
40	CHAPTER 1 GENERAL PROVISIONS	CHAPTER 1 GENERAL PROVISIONS	CHAPTER 1 GENERAL PROVISIONS	
Article 1				
41	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1, first paragraph				
42				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	For the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, this Regulation lays down the rules on:	For the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, this Regulation lays down the rules on:	For the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime, this Regulation lays down the rules on:	
Article 1, first paragraph, point (a)				
43	(a) the collection by air carriers of advance passenger information data ('API data') on extra EU flights and selected intra EU flights;	(a) the collection by air carriers of advance passenger information data ('API data') on extra EU flights and ~~selected~~ intra EU flights;	(a) the collection by air carriers of advance passenger information data ~~('API data')~~ on extra EU flights and ~~selected~~ intra EU flights;	
Article 1, first paragraph, point (b)				
44	(b) the transfer by air carriers to the router of the API data;	(b) the transfer by air carriers to the router of the API data;	(b) the transfer by air carriers to the router of the API data;	
Article 1, first paragraph, point (c)				
45	(c) the transmission from the router to the Passenger Information Units ('PIUs') of the API data on extra-EU flights and selected intra-EU flights.	(c) the transmission from the router to the Passenger Information Units ('PIUs') of the API data ***and PNR data*** on extra-EU flights and selected intra-EU flights.	(c) the transmission from the router to the Passenger Information Units ('PIUs') of the API data on extra-EU flights and selected intra-EU flights.	
Article 1, first paragraph, point (ca)				
45a		***1a. This Regulation is without***		

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		prejudice to Regulation (EU) 2016/679, Regulation (EU) 2018/1725 and Directive (EU) 2016/680.		
Article 2				
46	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2, first paragraph				
47	This Regulation applies to air carriers conducting scheduled or non-scheduled extra-EU flights or intra-EU flights.	This Regulation applies to air carriers conducting scheduled or non-scheduled extra-EU flights or intra-EU flights.	This Regulation applies to air carriers conducting ~~scheduled or non-scheduled extra-EU flights or intra-EU flights.~~**:**	
Article 2, first paragraph, point (a)				
47a			**(a) extra-EU flights;**	
Article 2, first paragraph, point (b)				
47b			**(b) intra-EU flights that will depart from, arrive in or make a stop-over on the territory of at least one Member State that notified its decision to apply Directive (EU) 2016/681 to intra-EU flights in accordance with**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Article 2(1) of that Directive.	
Article 3				
48	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	
Article 3, first paragraph				
49	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	
Article 3, first paragraph, point (a)				
50	(a) 'air carrier' means an air transport undertaking as defined in Article 3, point (1), of Directive (EU) 2016/681;	(a) 'air carrier' means an air transport undertaking as defined in Article 3, point (1), of Directive (EU) 2016/681;	(a) 'air carrier' means ~~an air transport undertaking~~**the air carrier** as defined in Article 3, point (1), of Directive (EU) 2016/681;	
Article 3, first paragraph, point (b)				
51	(b) 'extra-EU flights' means any flight as defined in Article 3, point (2), of Directive (EU) 2016/681;	(b) 'extra-EU flights' means any flight as defined in Article 3, point (2), of Directive (EU) 2016/681;	(b) 'extra-EU flights' means any **extra-EU** flight as defined in Article 3, point (2), of Directive (EU) 2016/681;	
Article 3, first paragraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
52	(c) 'intra-EU flight' means any flight as defined in Article 3, point (3), of Directive (EU) 2016/681;	(c) 'intra-EU flight' means any flight as defined in Article 3, point (3), of Directive (EU) 2016/681, ***with the exception of those flights for which neither the Member State from where the flight is scheduled to depart, nor the Member State where the flight is scheduled to land, have notified their decision to apply Directive 2016/681 to intra-EU flights, pursuant to Article 2 of that Directive***;	(c) 'intra-EU flight' means any **intra-EU** flight as defined in Article 3, point (3), of Directive (EU) 2016/681;	
Article 3, first paragraph, point (d)				
53	(d) 'scheduled flight' means a flight as defined in Article 3, point (e), of Regulation (EU) [API border management];	(d) 'scheduled flight' means a ***commercial*** flight as defined in Article 3, point (e), of Regulation (EU) [API border management];	~~(d) 'scheduled flight' means a flight as defined in Article 3, point (e), of Regulation (EU) [API border management];~~	
Article 3, first paragraph, point (e)				
54	(e) 'non-scheduled flight' means a flight as defined in Article 3, point (f), of Regulation (EU) [API border management];	(e) 'non-scheduled flight' means a ***commercial*** flight as defined in Article 3, point (f), of Regulation (EU) [API border management];	~~(e) 'non-scheduled flight' means a flight as defined in Article 3, point (f), of Regulation (EU) [API border management];~~	
Article 3, first paragraph, point (f)				
55				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) 'passenger' means any person as defined in Article 3, point (4), of Directive (EU) 2016/681;	(f) 'passenger' means any person as defined in Article 3, point (4), of Directive (EU) 2016/681;	(f) 'passenger' means any ~~person~~**passenger** as defined in Article 3, point (4), of Directive (EU) 2016/681;	
Article 3, first paragraph, point (g)				
56	(g) 'crew' means any person as defined in Article 3, point (h), of Regulation (EU) [API border management];	(g) 'crew' means any person as defined in Article 3, point ~~*(h)*~~***(i)***, of Regulation (EU) [API border management];	(g) 'crew' means ~~any person~~**the crew** as defined in Article 3, point ~~(h)~~**(i)**, of Regulation (EU) [API border management];	
Article 3, first paragraph, point (h)				
57	(h) 'traveller' means any person as defined in Article 3, point (i), of Regulation (EU) [API border management];	~~*(h) 'traveller' means any person as defined in Article 3, point (i), of Regulation (EU) [API border management];*~~	(h) 'traveller' means ~~any person~~**traveller** as defined in Article 3, point ~~(i)~~**(j)**, of Regulation (EU) [API border management];	
Article 3, first paragraph, point (i)				
58	(i) 'advance passenger information data' or 'API data' means the data as defined in Article 3, point (j), of Regulation (EU) [API border management];	(i) 'advance passenger information data' or 'API data' means the data as defined in Article 3, point ~~*(j)*~~***(k)***, of Regulation (EU) [API border management];	(i) 'advance passenger information ~~data~~' or 'API data' means the data as defined in Article 3, point ~~(j)~~**(k)**, of Regulation (EU) [API border management];	
Article 3, first paragraph, point (j)				
59	(j) 'passenger name record' or	(j) 'passenger name record' or	(j) '**other** passenger name record	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	'PNR' means a record of each passenger's travel requirements as defined in Article 3, point (5), of Directive (EU) 2016/681;	'PNR' means a record of each passenger's travel requirements as defined in Article 3, point (5), of Directive (EU) 2016/681;	**data**' or '**other PNR data**~~PNR~~' means a record of each passenger's travel requirements as defined in Article 3, point (5), of Directive (EU) 2016/681**, and as listed in Annex I to that Directive, with the exception of point 18 of that Annex**;	
Article 3, first paragraph, point (k)				
60	(k) 'Passenger Information Unit' or 'PIU' means the competent authority established by a Member State, as contained in the notifications and modifications published by the Commission pursuant to Article 4(1) and (5), respectively, of Directive (EU) 2016/681;	(k) 'Passenger Information Unit' or 'PIU' means the competent authority established by a Member State, as contained in the notifications and modifications published by the Commission pursuant to Article 4(1) and (5), respectively, of Directive (EU) 2016/681;	(k) 'Passenger Information Unit' or 'PIU' means the ~~competent authority established by a Member State~~**Passenger Information Unit**, as contained in the notifications and modifications published by the Commission pursuant to Article 4(1) and (5), respectively, of Directive (EU) 2016/681;	
Article 3, first paragraph, point (l)				
61	(l) 'terrorist offences' means the offences as defined in Articles 3 to 12 of Directive (EU) 2017/541 of the European Parliament and the Council[1]; _____ 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and	(l) 'terrorist offences' means the offences as defined in Articles 3 to 12 of Directive (EU) 2017/541 of the European Parliament and the Council[1]; _____ 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and	(l) 'terrorist offences' means the **terrorist** offences as defined in Articles 3 to 12 of Directive (EU) 2017/541 of the European Parliament and the Council[1]; _____ 1. **[1]** Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating	

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	replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	
Article 3, first paragraph, point (m)				
62	(m) 'serious crime' means the offences as defined in Article 3, point (9), of Directive 2016/681;	(m) 'serious crime' means the offences as defined in Article 3, point (9), of Directive ***(EU)*** 2016/681;	(m) 'serious crime' means the **serious crimes** ~~offences~~ as defined in Article 3, point (9), of Directive 2016/681;	
Article 3, first paragraph, point (n)				
63	(n) 'the router' means the router as defined in Article 3, point (k) of Regulation (EU) [API border management];	(n) 'the router' means the router as ~~*defined*~~***referred to*** in Article ~~*3, point (k) of Regulation (EU) [API border management]*~~***4b***;	(n) 'the router' means the router as defined in Article ~~3, point (k)~~**4d and in Article 9** of Regulation (EU) [API border management];	
Article 3, first paragraph, point (o)				
64	(o) 'personal data' means any information as defined in Article 4, point (1), of Regulation (EU) 2016/679.	(o) 'personal data' means any information as defined in Article 4, point (1), of Regulation (EU) 2016/679.	(o) 'personal data' means any ~~information~~**personal data** as defined in Article **3, point (1), of Directive (EU) 2016/680, and Article** 4, point ~~(1)~~**1**, of Regulation (EU) 2016/679~~.~~**;**	
Article 3, first paragraph, point (p)				
64a				

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			(p) 'real-time flight traffic data' means information on inbound and outbound flight traffic of an airport covered by this Regulation, provided by the European Organisation for the Safety of Air Navigation ('Eurocontrol').	
CHAPTER 2				
65	CHAPTER 2 PROCESSING OF API DATA	CHAPTER 2 PROCESSING OF API DATA	CHAPTER 2 ~~PROCESSING~~**COLLECTION, TRANSFER, STORAGE AND DELETION** OF API DATA	
Article 4				
66	Article 4 Collection, transfer and deletion of API data by air carriers	Article 4 Collection, transfer and deletion of API data by air carriers	Article 4 Collection~~, transfer and deletion~~ of API data by air carriers	
Article 4(1)				
67	1. Air carriers shall collect API data of travellers on the flights referred to in Article 2, for the purpose of transferring that API data to the router in accordance with paragraph 6. Where the flight is code-shared between one or	1. Air carriers shall collect API data of ~~travellers~~***passengers, consisting of the passenger data and the flight information specified in paragraphs 1a and 1b of this Article, respectively,*** on the flights referred to in Article 2, for	1. Air carriers shall collect API data of ~~travellers~~**each traveller** on the flights referred to in Article 2~~, for the purpose of transferring that API data~~ **to be transferred** to the router in accordance with ~~paragraph 6~~**Article 4a**. Where the	

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	more air carriers, the obligation to transfer the API data shall be on the air carrier that operates the flight.	the purpose of transferring that API data to the router in accordance with paragraph 6. Where the flight is code-shared between one or more air carriers, the obligation to transfer ***the***~~the~~ API data shall be on the air carrier that operates the flight.	flight is code-shared between one or more air carriers, the obligation to transfer the API data shall be on the air carrier that operates the flight.	
Article 4(1a)				
67a		***1a. The API data shall consist only of the following passenger data relating to each passenger on the flight:***		
Article 4(1b)				
67b		***a. the surname (family name), first name or names (given names);***		
Article 4(1c)				
67c		***b. the date of birth, sex and nationality;***		
Article 4(1d)				
67d		***c. the type and number of the***		

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		travel document and the three-letter code of the issuing country of the travel document;		
Article 4(1e)				
67e		***d. the date of expiry of the validity of the travel document;***		
Article 4(1f)				
67f		***e. the number identifying a passenger name record used by an air carrier to locate a passenger within its information system (PNR record locator);***		
Article 4(1g)				
67g		***f. the number of the seat in the aircraft assigned to a passenger, where the air carrier collects such information;***		
Article 4(1h)				
67h		***g. the number and the weight of checked bags, where the air carrier collects such information.***		

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Article 4(1i)				
67i		***1b. The API data shall also consist only of the following flight information relating to the flight of each passenger:***		
Article 4(1j)				
67j		***a. the flight identification number or, where the flight is code-shared between one or more air carriers, the flight identification numbers, or, if no such number exists, other clear and suitable means to identify the flight;***		
Article 4(1k)				
67k		***b. where applicable, the border crossing point of entry into the territory of the Member State;***		
Article 4(1l)				
67l		***c. the code of the airport of entry into the territory of the Member State;***		
Article 4(1m)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
67m		***d. the initial point of embarkation;***		
Article 4(1n)				
67n		***e. the local date and estimated time of departure;***		
Article 4(1o)				
67o		***f. the local date and estimated time of arrival.***		
Article 4(2)				
68	2. Air carriers shall collect the API data in such a manner that the API data that they transfer in accordance with paragraph 6 is accurate, complete and up-to-date.	2. Air carriers shall collect the API data in such a manner that the API data that they transfer in accordance with paragraph 6 is accurate, complete and up-to-date.	2. Air carriers shall collect the API data in such a manner that the API data that they transfer in accordance with ~~paragraph 6~~**Article 4a** is accurate, complete and up-to-date. **Compliance with this obligation does not require air carriers to check the travel document at the moment of boarding the aircraft, without prejudice to acts of national law that are compatible with Union law.**	
Article 4(2a)				

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68a		***The collection of API data in accordance with the first subparagraph shall not include an obligation for air carriers to check the travel document at the moment of boarding the aircraft or an obligation for passengers to carry a travel document when travelling, without prejudice to acts of national law that are compatible with Union law.***		
Article 4(2a)				
68b			**2a. This Regulation does not impose any obligations on passengers to carry a travel document when travelling, without prejudice to other acts of Union law or national law that is compatible with Union law.**	Note: Council position located paras 2a and 2b as paras 3a and 3b.
Article 4(2b)				
68c			**2b. A Member State may impose an obligation on air carriers to provide the possibility for passengers to voluntarily upload the data referred to in Article 4(2), points (a) to (d), of Regulation (EU) [API border**	

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			management] by automated means and to store that data at the carrier with a view to transferring the data for future flights in accordance with Article 4a and in a manner compliant with the requirements set out in paragraphs 2, 3 and 4 of this Article. A Member State that imposes such an obligation shall lay down the rules and safeguards on data protection, in accordance with Regulation (EU) 2016/679, including rules on storage time. However, the data shall be deleted where the passenger no longer consents to the storage of the data, or at the latest on the date of expiry of the travel document.	
Article 4(2c)				
68d		***The collection of API data with automated means shall not lead to the collection of any biometric data contained in the travel document.***		
Article 4(3), first subparagraph				
69	3. Air carriers shall collect the API	3. Air carriers shall collect the API	3. Air carriers shall collect the API	

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	data referred to Article 4(2), points (a) to (d), of Regulation (EU) [API border management] using automated means to collect the machine-readable data of the travel document of the traveller concerned. They shall do so in accordance with the detailed technical requirements and operational rules referred paragraph 5, where such rules have been adopted and are applicable.	data referred to ~~*Article 4(2),*~~***in paragraph 1a (new)*** points (a) to (d), ~~*of Regulation (EU) [API border management]*~~ using automated means to collect the machine-readable data of the travel document of the ~~*traveller*~~***passenger*** concerned. ***Air carriers shall collect that data during the check-in process, either as part of the online check-in or as part of the check-in at the airport.*** They shall do so in accordance with the detailed technical requirements and operational rules referred ***to in*** paragraph 5, ~~*where*~~***once*** such rules have been adopted and are applicable ***and, in particular, by using the most reliable automated means available to collect the machine-readable data of the respective travel document***.	data referred to **in** Article 4(2), points (a) to (d), of Regulation (EU) [API border management] using automated means to collect the machine-readable data of the travel document of the traveller concerned. They shall do so in accordance with the detailed technical requirements and operational rules referred **to in** paragraph 5, where such rules have been adopted and are applicable.	
Article 4(3), first subparagraph a				
69a		***Where air carriers provide an online check-in process, they shall enable passengers to provide the API data referred to in paragraph 1a, points (a) to (d), during the online check-in process, using automated means.***	**Where air carriers provide an online check-in process, they shall enable passengers to provide API data referred to in Article 4(2), points (a) to (d) of Regulation (EU) [API border management] by automated**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			means during this online check-in process. For passengers that do not check-in online, air carriers shall enable those passengers to provide those API data by automated means during check-in at the airport with the assistance of a self-service kiosk or of airline staff at the counter.	
Article 4(3), second subparagraph				
70	However, where such use of automated means is not possible due to the travel document not containing machine-readable data, air carriers shall collect that data manually, in such a manner as to ensure compliance with paragraph 2.	~~*However,*~~ Where ~~*such*~~***the*** use of automated means is not possible***, air carriers shall collect that data manually, either as part of the online check-in or as part of the check-in at the airport*** ~~*due to the travel document not containing machine-readable data, air carriers shall collect that data manually*~~, in such a manner as to ensure compliance with paragraph 2.	~~However,~~ Where ~~such~~**the** use of automated means is not possible due to the travel document not containing machine-readable data, air carriers shall collect that data manually, in such a manner as to ensure compliance with paragraph 2.	
Article 4(4)				
71	4. Any automated means used by air carriers to collect API data under this Regulation shall be reliable, secure and up-to-date.	4. Any automated means used by air carriers to collect API data under this Regulation shall be reliable, secure and up-to-date. ***Air carriers shall ensure that API***	4. Any automated means used by air carriers to collect API data under this Regulation shall be reliable, secure and up-to-date.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		data is encrypted during the transmission of the data from the passenger to the air carriers.		
Article 4(5)				
72	5. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down detailed technical requirements and operational rules for the collection of the API data referred to in Article 4(2), points (a) to (d), of Regulation (EU) [API border management] using automated means in accordance with paragraphs 3 and 4 of this Article.	5. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down detailed technical requirements and operational rules for the collection of the API data referred to in ~~*Article 4(2)*~~***paragraph 1a***, points (a) to (d), ~~*of Regulation (EU) [API border management]*~~ using automated means in accordance with paragraphs 3 and 4 of this Article***, including on requirements for data security***.	5. The Commission ~~is empowered to~~**shall** adopt ~~delegated acts in accordance with Article 19 to supplement this Regulation by laying down~~**implementing acts specifying the** detailed technical requirements and operational rules for the collection of the API data referred to in Article 4(2), points (a) to (d), of Regulation (EU) [API border management]~~ using automated means~~ in accordance with paragraphs 3**, 3b** and 4 of this Article**, including on requirements for data security. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2)**.	
Article 4a				
72a			**Article 4a** **Obligations on carriers regarding transfers of API data**	

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New Article 4a(1)				
73	6. Air carriers shall transfer the API data collected pursuant to paragraph 1 to the router, by electronic means. They shall do so in accordance with the detailed rules referred to in paragraph 9, where such rules have been adopted and are applicable.	6. Air carriers shall transfer the ***encrypted*** API data ~~*collected pursuant to paragraph 1*~~ to the router, by electronic means. They shall do so in accordance with the detailed rules referred to in paragraph 9, ~~*where*~~***once*** such rules have been adopted and are applicable.	~~6~~**1**. Air carriers shall transfer the API data **to the router, by electronic means, to be transmitted to PIUs in accordance with Article 5** ~~collected pursuant to paragraph 1 to the router, by electronic means~~. They shall ~~do so~~ **transfer the API data** in accordance with the detailed rules referred to in paragraph ~~9~~**3**, where such rules have been adopted and are applicable.	
Article 4a(2)				
74	7. Air carriers shall transfer the API data both at the moment of check-in and immediately after flight closure, that is, once the travellers have boarded the aircraft in preparation for departure and it is no longer possible for travellers to board or to leave the aircraft.	7. Air carriers shall transfer the API data both at the moment of check-in and immediately after flight closure, that is, once the ~~*travellers*~~***passengers*** have boarded the aircraft in preparation for departure and it is no longer possible for ~~*travellers*~~***passengers*** to board or to leave the aircraft. ***At the moment of check-in, air carriers shall transfer the API data in accordance with this Regulation and relevant international standards. Air***	~~7~~**2**. Air carriers shall transfer the API data ~~both at the moment of check-in and immediately after flight closure, that is, once the travellers have boarded the aircraft in preparation for departure and it is no longer possible for travellers to board or to leave the aircraft.~~**:**	

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		carriers shall receive an acknowledgement of receipt of the transfer of the API data.		
Article 4a(2), point (a)				
74a			**(a) for passengers:**	
Article 4a(2), point (a)(i)				
74b			**(i) per passenger at the moment of check-in, but not earlier than 48 hours prior to the scheduled departure time, and**	
Article 4a(2), point (a)(ii)				
74c			**(ii) for all boarded passengers immediately after flight closure, that is, once the travellers have boarded the aircraft in preparation for departure and it is no longer possible for travellers to board or to leave the aircraft;**	
Article 4a(2), point (b)				
74d			**(b) for all members of the crew immediately after flight closure,**	

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			that is, once the crew is on board the aircraft in preparation for departure and it is no longer possible for them to leave the aircraft.	
Article 4a(3)				
74e		***7a. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed rules on the common protocols and supported data formats to be used for the encrypted transfers of API data to the router referred to in paragraph 6, including the transfer of API data at the moment of check-in and requirements for data security. Such detailed rules shall ensure that airlines transmit API data using the same structure and content.***	**3. The Commission shall adopt implementing acts, ensuring that the API data are transferred with a uniform content and structure, specifying the necessary detailed rules on the common protocols and supported data formats to be used for the transfers of API data to the router referred to in paragraph 1, including on requirements for data security. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).**	
Article 4(7b)				
74f		***7b. The PIUs shall process API data, transferred to them in accordance with this Regulation, solely for the purposes referred to***		

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		in Article 1. *The PIUs or other competent authorities shall under no circumstances process API data for the purposes of profiling.*		
Article 4b				
74g			**Article 4b** **Storage period and deletion of API data**	
Article 4(8), first subparagraph				
75	8. Without prejudice to the possibility for air carriers to retain and use the data where necessary for the normal course of their business in compliance with the applicable law, air carriers shall immediately either correct, complete or update, or permanently delete, the API data concerned in both of the following situations:	8. *Air carriers shall store, for 24 hours from the moment of departure of the flight, the API data relating to that passenger that they collected pursuant to Article 4. They shall immediately and permanently delete that API data after the expiry of that time period. This is* without prejudice to the possibility for air carriers to retain and use the data where necessary for the normal course of their business in compliance with the applicable law~~,~~ *and in particular Regulation (EU) 2016/679.*	~~8~~**1. Air carriers shall store API data for a time period of 48 hours from the moment of receipt by the router of the API data transferred to it in accordance with Article 4a(2)(a)(ii) and 4a(2)(b), the API data relating to all travellers that they collected pursuant to Article 4. They shall immediately and permanently delete that data after the expiry of that time period,** without prejudice to the possibility for air carriers to retain and use the data where necessary for the normal course of their business in compliance with the	

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		Air carriers shall immediately either correct, complete or update, or permanently delete, the API data concerned in both of the following situations:	applicable law, ~~air carriers shall immediately either correct, complete or update, or permanently delete, the API data concerned in both of the following situations:~~**and to Article 13(1) and (3)**	
Article 4(8), first subparagraph, point (a)				
76	(a) where they become aware that the API data collected is inaccurate, incomplete or no longer up-to-date or was processed unlawfully, or that the data transferred does not constitute API data;	(a) where they become aware that the API data collected is inaccurate, incomplete or no longer up-to-date ~~*or was processed unlawfully, or that the data transferred does not constitute API data*~~;	~~(a) where they become aware that the API data collected is inaccurate, incomplete or no longer up-to-date or was processed unlawfully, or that the data transferred does not constitute API data;~~	
Article 4(8), first subparagraph, point (b)				
77	(b) where the transfer of the API data in accordance with paragraph 3 has been completed.	(b) where the transfer of the API data in accordance with paragraph 3 has been completed.	~~(b) where the transfer of the API data in accordance with paragraph 3 has been completed.~~	
Article 4(8), first subparagraph, point (ba)				
77a		***8a. Air carriers shall immediately and permanently delete API data where they become aware that the API data collected was processed unlawfully or that the data***		

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		transferred does not constitute API data.		
Article 4(8), second subparagraph				
78	Where the air carriers obtain the awareness referred to in point (a) of the first subparagraph of this paragraph after having completed the transfer of the data in accordance with paragraph 6, they shall immediately inform the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). Upon receiving such information, eu-LISA shall immediately inform the PIUs that received the API data transmitted through the router.	Where the air carriers ~~*obtain the awareness*~~***become aware of the circumstances*** referred to in point (a) of ~~*the first subparagraph of this*~~***paragraph 8 or*** paragraph ***8a*** after having completed the transfer of the data in accordance with paragraph 6, they shall immediately inform the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). Upon receiving such information, eu-LISA shall immediately inform the PIUs that received the API data transmitted through the router.	~~Where the air carriers obtain the awareness referred to in point (a) of the first subparagraph of this paragraph after having completed the transfer of the data in accordance with paragraph 6, they shall immediately inform the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). Upon receiving such information, eu-LISA shall immediately inform the PIUs that received the API data transmitted through the router.~~	
Article 4c				
78a			**Article 4c** **Correcting, completing and updating API data**	
Article 4c(1)				
78b				

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			1. Where an air carrier becomes aware that the data that it stores under this Regulation was processed unlawfully, or that the data does not constitute API data, it shall immediately and permanently delete, that data. If that data has been transferred to the router, the air carrier shall immediately inform the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). Upon receiving such information, eu-LISA shall immediately inform the PIU that received the API data transmitted through the router.	
Article 4c(2)				
78c			**2. Where an air carrier becomes aware that the data that it stores under this Regulation is inaccurate, incomplete or no longer up-to-date it shall immediately either correct, complete or update that data. This is without prejudice to the possibility for air carriers to retain and use the data where**	

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			necessary for the normal course of their business in compliance with the applicable law.	
Article 4c(3)				
78d			**3. Where an air carrier becomes aware after the transfer of API data under Article 4a(2)(a)(i), but before the transfer under Article 4a(2)(a)(ii), that the data it has transferred is inaccurate, the air carrier shall immediately transfer the corrected API data to the router.**	
Article 4c(4)				
78e			**4. Where an air carrier becomes aware, after the transfer of API data under Article 4a(2)(a)(ii) or 4a(2)(b), that the data it has transferred is inaccurate, incomplete or no longer up-to-date, the air carrier shall immediately transfer the corrected, completed or updated API data to the router.**	
Article 4(9)				
79				

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	9. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed rules on the common protocols and supported data formats to be used for the transfers of API data to the router referred to in paragraph 6.	~~*9. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed rules on the common protocols and supported data formats to be used for the transfers of API data to the router referred to in paragraph 6.*~~	~~9~~**5**. The Commission ~~is empowered to~~**shall** adopt ~~delegated acts in accordance with Article 19 to supplement this Regulation by laying down~~**implementing acts specifying** the necessary detailed rules on ~~the common protocols and supported data formats to be used for the transfers of API data to the router~~**correcting, completing and updating API data within the meaning of this Article. Those implementing acts shall be adopted in accordance with the examination procedure** referred to in ~~paragraph 6~~**Article 19(2)**.	
Article 4(9a)				
79a		***9a. In accordance with Directive 2016/681, air carriers shall also transfer PNR data to the router, insofar as those data are collected in the normal course of their business, for the transmission of those data from the router to the respective PIUs in accordance with Article 5(4). Air carriers shall not be allowed to transfer PNR data in accordance with Article 8(1) of Directive 2016/681 by any other means.***		

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Article 4a				
79b		***Article 4a*** ***Fundamental Rights***		
Article 4a(1)				
79c		***1. The collection and processing of personal data in accordance with this Regulation and Regulation (EU) [API Border Management] by air carriers and competent authorities shall not result in discrimination against persons on the grounds of sex and gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.***		
Article 4a(2)				
79d		***2. This Regulation shall fully respect human dignity and the fundamental rights and principles recognised by the Charter of Fundamental Rights of the***		

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		European Union, including the right to respect for one's private life, to asylum, to the protection of personal data, to freedom of movement and to effective legal remedies.		
Article 4a(3)				
79e		***3. Particular attention shall be paid to children, the elderly, persons with a disability and vulnerable persons. The best interests of the child shall be a primary consideration when implementing this Regulation.***		
Chapter 2a				
79f		***Chapter 2a PROVISIONS RELATING TO THE ROUTER***	**Chapter 2a PROVISIONS RELATING TO THE ROUTER**	
Article 4d				
79g		***Article 4b The router***	**Article 4d The router**	
Article 4d(1)				
79h				

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		1. eu-LISA shall design, develop, host and technically manage, in accordance with Articles 11a and 11b, a router for the purpose of facilitating the transfer of encrypted API and PNR data by the air carriers to the PIUs in accordance with this Regulation.	**1. eu-LISA shall design, develop, host and technically manage, in accordance with Articles 11a and 11b, a router for the purpose of facilitating the transfer of API data by the air carriers to the PIUs in accordance with this Regulation.**	
Article 4d(2)				
79i		*2. The router shall be composed of:*	**2. The router shall be composed of:**	
Article 4d(2), point (a)				
79j		*(a) a central infrastructure, including a set of technical components enabling the transmission of API and PNR data;*	**(a) a central infrastructure, including a set of technical components enabling the reception and transmission of API data;**	
Article 4d(2), point (b)				
79k		*(b) a secure communication channel between the central infrastructure and the PIUs, and a secure communication channel between the central infrastructure and the air carriers, for the transfer of API and PNR data and*	**(b) a secure communication channel between the central infrastructure and the PIUs, and a secure communication channel between the central infrastructure and the air carriers, for the transfer and**	

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		for any communications relating thereto.	**transmission of API data and for any communications relating thereto, including the insertion of selected flights referred to in Article 5(2) from the Member States to the router and any updates;**	
Article 4d(2), point (c)				
79l			**(c) a secure channel to receive real-time flight traffic data.**	
Article 4d(3)				
79m		*3. The router shall allow for the reception and transmission of encrypted API data.*	**3. Without prejudice to Article 4e of this Regulation, the router shall, to the extent technically possible, share and re-use the technical components, including hardware and software components, of the web service referred to in Article 13 of Regulation (EU) 2017/2226 of the European Parliament and of the Council[1], the carrier gateway referred to in Article 6(2), point (k), of Regulation (EU) 2018/1240, and the carrier gateway referred to in Article 45c of Regulation (EC) 767/2008 of the European Parliament and**	

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			of the Council[2]. _____ **1. [1] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).** **2. [2] Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).**	
Article 4b(4)				
79n		***4. The router shall automatically extract and make available the statistics, in accordance with Article 31, to the central repository for reporting and statistics.***		
Article 4b(5)				
79o				

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		5. Without prejudice to Article 4c of this Regulation, the router shall, where appropriate and to the extent technically possible, share and re-use the technical components, including hardware and software components, of the web service referred to in Article 13 of Regulation (EU) 2017/2226 of the European Parliament and of the Council[1a], the carrier gateway referred to in Article 6(2), point (k), of Regulation (EU) 2018/1240, and the carrier gateway referred to in Article 2a, point (h), of Regulation (EC) 767/2008 of the European Parliament and of the Council[1b]. eu-LISA shall design the router, to the extent technically and operationally possible, in a way that is coherent and consistent with the obligations put on air carriers by Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) 767/2008.		
Article 4b(6)				
79p		***6. eu-LISA shall design and develop the router in a way that for any transfer of API and PNR***		

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		data from the air carriers to the router in accordance with Article 4, and for any transmission of API and PNR data from the router to the PIUs in accordance with Article 5 and to the central repository for reporting and statistics in accordance with Article 16a(new)(2), the API and PNR data is end-to-end encrypted during transit.		
Article 4e				
79q		*Article 4c* *Exclusive use of the router*	**Article 4e** **Exclusive use of the router**	
Article 4e, first paragraph				
79r		*Notwithstanding the use of the router in Article 10 of Regulation (EU) [API border management], the router shall only be used:*	**Notwithstanding Article 10 of Regulation (EU) [border management], the router shall only be used:**	
Article 4e, first paragraph, point (a)				
79s		*(a) by air carriers to transfer encrypted API data or other PNR data in accordance with this Regulation;*	**(a) by air carriers to transfer API data or other PNR data in accordance with this Regulation;**	

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Article 4e, first paragraph, point (b)				
79t		*(b) by PIUs to receive encrypted API data or other PNR data in accordance with this Regulation.*	**(b) by PIUs to receive API data or other PNR data in accordance with this Regulation;**	
Article 4e, first paragraph, point (c)				
79u			**(c) on the basis of international agreements enabling the transfer of PNR data via the router, concluded by the Union with third countries that have concluded an agreement providing for their association with the implementation, application and development of the Schengen acquis.**	
Article 4f				
79v		*Article 4d* *Data format and transfer verifications*	**Article 4f** **Data format and transfer verifications**	
Article 4f(1)				
79w		*1. The router shall, in an automated manner and based on real-time flight traffic data, verify whether the air carrier transferred*	**1. The router shall, in an automated manner and based on real-time flight traffic data, verify whether the air carrier**	

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		the API data in accordance with Article 4(6).	**transferred the API data in accordance with Article 4a(1).**	
Article 4f(2)				
79x		*2. The router shall, immediately and in an automated manner, verify whether the API data transferred to it in accordance with Article 6(1) complies with the detailed rules on the supported data formats, referred to in Article 4(7a).*	**2. The router shall, immediately and in an automated manner, verify whether the API data transferred to it in accordance with Article 4a(1) complies with the detailed rules on the supported data formats, referred to in Article 4a(3).**	
Article 4f(3)				
79y		*3. Where the router has verified in accordance with paragraph 1 that the data was not transferred by the air carrier or where the data in question is not compliant with the detailed rules referred to in paragraph 2, the router shall, immediately and in an automated manner, notify the air carrier concerned and the competent border authorities of the Member States to which the data were to be transmitted pursuant to Article 11(1). In this case, the air carrier shall immediately transfer the API data in accordance with Article 4*	**3. Where the router has verified in accordance with paragraph 1 that the data was not transferred by the air carrier or where the data in question is not compliant with the detailed rules referred to in paragraph 2, the router shall, immediately and in an automated manner, notify the air carrier concerned and the PIUs of the Member States to which the data were to be transmitted pursuant to Article 5(1). In this case, the air carrier shall immediately transfer the API data in accordance with Article**	

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		paragraphs 6, 7 and 7a.	**4a.**	
Article 4f(4)				
79z		***4. The Commission shall adopt implementing acts specifying the necessary detailed technical and procedural rules for the verifications and notifications referred to in paragraph 1, 2 and 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18a(2).***	**4. The Commission shall adopt implementing acts specifying the necessary detailed technical and procedural rules for the verifications and notifications referred to in paragraphs 1, 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).**	
Article 5				
80	Article 5 Transmission of API data from the router to the PIUs	Article 5 Transmission of API data from the router to the PIUs	Article 5 Transmission of API data from the router to the PIUs	
Article 5(1), first subparagraph				
81	1. The router shall, immediately and in an automated manner, transmit the API data, transferred to it by air carriers pursuant to Article 4, to the PIUs of the Member State on the territory of which the flight will land or from	1. ***Upon the verifications referred to in Article 10a, the*** ~~The~~ router shall, immediately and in an automated manner, transmit the API data, transferred to it by air carriers pursuant to Article 4, to the PIUs of the Member State on	1. **Upon the verifications referred to in Article 4f** the router shall, immediately and in an automated manner, **and without changing its content in any way,** transmit the API data, transferred to it by air carriers pursuant to	

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	the territory of which the flight will depart, or to both in the case of intra-EU-flights. Where a flight has one or more stop-overs at the territory of other Member States than the one from which it departed, the router shall transmit the API data to the PIUs of all the Member States concerned.	~~the~~***whose*** territory ~~of which~~ the flight will land or ~~from the territory of which the flight will~~ depart, or to both in the case of intra-EU-flights. Where a flight has one or more stop-overs at the territory of other Member States than the one from which it departed, the router shall transmit the API data to the PIUs of all the Member States concerned.	Article 4**a(1) and Article 4c(3) and (4)**, to the PIUs of the Member State on the territory of which the flight will land or from the territory of which the flight will depart, or to both in the case of intra-EU-flights. Where a flight has one or more stop-overs at the territory of other Member States than the one from which it departed, the router shall transmit the API data to the PIUs of all the Member States concerned.	
Article 5(1), second subparagraph				
82	For the purpose of such transmission, eu-LISA shall establish and keep up-to-date a table of correspondence between the different airports of origin and destination and the countries to which they belong	For the purpose of such transmission, eu-LISA shall establish and keep up-to-date a table of correspondence between the different airports of origin and destination and the countries to which they belong	For the purpose of such transmission, eu-LISA shall establish and keep up-to-date a table of correspondence between the different airports of origin and destination and the countries to which they belong	
Article 5(1), third subparagraph				
83	However, for intra-EU flights, the router shall only transmit the API data to that PIU in respect of the flights included in the list referred to in paragraph 2.	However, for intra-EU flights, the router shall only transmit ~~the~~ API data ~~to that PIU in respect~~ of the flights included in the list referred to in paragraph 2 ***to the applicable PIUs***.	However, for intra-EU flights, the router shall only transmit the API data to that PIU in respect of the flights included in the list referred to in paragraph 2.	

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Article 5(1), fourth subparagraph				
84	The router shall transmit the API data in accordance with the detailed rules referred to in paragraph 3, where such rules have been adopted and are applicable.	The router shall transmit the API data in accordance with the detailed rules referred to in paragraph 3, ~~*where*~~***once*** such rules have been adopted and are applicable.	The router shall transmit the API data in accordance with the detailed rules referred to in paragraph 3, where such rules have been adopted and are applicable.	
Article 5(1a)				
84a			**1a. Each Member State may establish a single data entry point that receives the API data transmitted to it from the router and that immediately and in an automated manner forwards the API data to the PIU of the Member State concerned. No access to the API data by the staff managing the single data entry point shall be allowed, unless strictly necessary for the maintenance and technical management of the single data entry point. If so the Member State shall provide information on that single data entry point to eu-LISA and the Commission by the date of application of this Regulation referred to in Article**	

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			21, second subparagraph.	
Article 5(1b)				
84b			**1b. Each Member State shall ensure that its PIUs in receipt of any API data in accordance with paragraph 1 immediately and in an automated manner confirm, through, where applicable, their single data entry point, reception of such data to the router.**	
Article 5(2)				
85	2. Member States that decide to apply Directive (EU) 2016/681 to intra-EU flights in accordance with Article 2 of that Directive shall each establish a list of the intra-EU flights concerned and shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, provide eu-LISA with that list. Those Member States shall, in accordance with Article 2 of that Directive, regularly review and where necessary update those lists and shall immediately provide eu-LISA with any such updated lists. The information contained on those	2. Member States that decide to apply Directive (EU) 2016/681 to intra-EU flights in accordance with Article 2 of that Directive shall each establish a list of the intra-EU flights concerned and shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, provide eu-LISA with that list. Those Member States shall, in accordance with Article 2 of that Directive, regularly review and where necessary update those lists and shall immediately provide eu-LISA with any such updated lists. The information contained on those	2. Member States that decide to apply Directive (EU) 2016/681 to intra-EU flights in accordance with Article 2 of that Directive shall each establish a list of the intra-EU flights **or routes selected. Member States may use the code of the airport of departure and the airport of arrival for indicating the selected flights or routes** ~~concerned and shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, provide eu-LISA with that list~~. Those Member States shall, in accordance with Article 2 of that Directive,	

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	lists shall be treated confidentially.	lists shall be treated confidentially.	regularly review and where necessary update those lists~~ and shall immediately provide eu-LISA with any such updated lists. The information contained on those lists shall be treated confidentially~~. **A Member State may select all intra-EU flights or routes when duly justified, in accordance with Directive (EU) 2016/681**.	
Article 5(2), second subparagraph				
85a			**Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, insert the selected flights or routes to the router, by automated means through the secure communication channel referred to in Article 4d(2)(b), and thereafter provide the router with any updates thereof.**	
Article 5(2), third subparagraph				
85b			**The information inserted by the Member States to the router shall be treated confidentially and access to that information by eu-LISA staff shall be limited to what is strictly necessary for the**	

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			resolution of technical problems. eu-LISA shall ensure, upon receipt by the router of that information or any updates thereto from a Member State, that the router immediately transmits the API data to the PIU of that Member State in respect of the selected flights or routes, in accordance with paragraph 1.	
Article 5(3)				
86	3. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed technical and procedural rules for the transmissions of API data from the router referred to in paragraph 1.	3. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed technical and procedural rules for the transmissions of API data from the router referred to in paragraph 1***, including on requirements for data security***.	3. The Commission ~~is empowered to~~**shall** adopt ~~delegated acts in accordance with Article 19 to supplement this Regulation by laying down~~**implementing acts specifying** the necessary detailed technical and procedural rules for the transmissions of API data from the router referred to in paragraph 1 **and for the insertion of information to the router referred to in paragraph 2, including on requirements for data security**. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).**	

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Article 5(3a)				
86a		***3a. This provision shall apply mutatis mutandis to the transmission of PNR data from the router to the PIUs of the Member States in accordance with Article 8(1) of Directive 2016/681, which shall be the only means for PIUs to receive PNR data from air carriers.***		
Article 5a				
86b		***Article 5a Methodology and criteria for the selection of intra-EU flights***		
Article 5a(1)				
86c		***1. Member States that decide to apply Directive (EU) 2016/681 and consequently this Regulation to intra-EU flights shall for the selection of those flights:***		
Article 5a(2)				
86d		***a. carry out an objective, duly reasoned and non-discriminatory threat assessment in accordance***		

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		with Article 2 of Directive (EU) 2016/681, the case-law of the Court of Justice of the European Union and the fundamental rights laid down, inter alia, in Articles 7 and 8 of the Charter of Fundamental Rights;		
Article 5a(3)				
86e		***b. take into account only criteria which are relevant for the prevention, detection, investigation and prosecution of terrorist offences and serious crime having an objective link, including an indirect link, with the carriage of passengers by air and not be purely based on nationality, sex, age, race, colour, ethnic origin, language, religion or belief or membership of a national minority of any passengers or groups of passengers;***		
Article 5a(4)				
86f		***c. in situations of a genuine and present or foreseeable terrorist threat, Member States may apply Directive (EU) 2016/681 to all***		

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		intra-EU flights arriving at or departing from its territory, in a decision that is limited in time to what is strictly necessary and that is open to effective review. In the absence of such a situation, Member States shall target only specific routes, travel patterns or airports for which there are indications of suspicious activities regarding terrorist offenses and serious crime and that justify the transmission and processing of API data; and		
Article 5a(5)				
86g		***d. use only sources that can inform an objective, duly reasoned and non-discriminatory threat assessment.***		
Article 5a(6)				
86h		***2. Member States shall keep all documentation of such threat assessment, including of prolongations where relevant, and make it available, in accordance with Directive 2016/680, to their independent supervisory authorities and national***		

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		supervisory authorities upon request.		
Article 5a(7)				
86i		***3. Member States shall limit the duration of their threat assessments to what is strictly necessary, and no longer than 3 months. That duration may be extended for a further 3 months where duly justified. Member States shall regularly review the list of selected intra-EU flights, in order to ensure strict adherence to the necessity and proportionality principles.***		
Article 5a(8)				
86j		***4. The Commission shall facilitate a regular exchange of views on the selection criteria for the objective and reasoned threat assessments, including best practices, as well as, on a voluntary basis, exchange of information on selected flights.***		
Article 5a				
86k				

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		Article 5b *Deletion of API data from the router*	**Article 5a** **Deletion of API data from the router**	
Article 5a, first paragraph				
86l		*API data, transferred to the router pursuant to this Regulation, shall be stored on the router only insofar as necessary to complete the transmission to the PIUs and shall be deleted from the router, immediately, permanently and in an automated manner, in the following situations:*	**API data, transferred to the router pursuant to this Regulation shall be stored on the router only insofar as necessary to complete the transmission to the relevant PIUs in accordance with this Regulation and shall be deleted from the router, immediately, permanently and in an automated manner, in both of the following situations:**	
Article 5a, first paragraph, point (a)				
86m		*(a) where the transmission of the API data to the relevant PIUs has been completed;*	**(a) where it is confirmed, in accordance with Article 5(1b), that the transmission of the API data to the relevant PIUs has been completed;**	
Article 5a, first paragraph, point (b)				
86n		*(b) in cases of technical impossibility of the router to subsequently transmit the API*	**(b) where the API data relates to other intra-EU flights than those inserted by the Member States to**	

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		data to the PIU, after 12 hours;	**the router in accordance with Article 5(2).**	
Article 5b, first paragraph, point (c)				
86o		*(c) where the API data relates to other intra-EU flights than those included the lists referred to in Article 5(2) of this Regulation. The router shall automatically inform eu-LISA and the PIUs of the immediate deletion of these intra-EU flights for the purposes of the statistics referred to in Article 16a(1).*		
Article 5b				
86p			**Article 5b Processing of API data by PIUs**	
Article 5b, first paragraph				
86q			**API data transmitted to PIUs in accordance with this Regulation, shall subsequently be processed by the PIUs in accordance with Directive (EU) 2016/681 solely for the purposes of prevention, detection, investigation and prosecution of terrorist offences**	

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			and serious crime.	
Article 5b, second paragraph				
86r			**This Regulation is without prejudice to Directive (EU) 2016/681, in particular as regards the rules on the processing of API data by PIUs, including those set out in its Article 6 on the processing of data, Article 10 on conditions for access to data by Europol, Article 12 on the period of data retention and depersonalisation and Article 13 on the protection of personal data.**	
Article 5c				
86s			**Article 5c Optional use of the router for other PNR data**	
Article 5c, first paragraph				
86t			**When adopting measures in accordance with Article 8 of Directive (EU) 2016/681, Member States may require air carriers to transfer other PNR**	

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			data collected, pursuant to Article 8(1) of that Directive, to the database of the PIU of the Member States concerned, through the router. In that event, the provisions relating to the router, the transfer and transmission of data set out in Articles 4a, 4b, 4c, 4e, 4f, 5, 5a, 6, 7, 8, 9a, 10, 11, 11a, 11b, 11c, 11d, 11e, 11f, 11g, 12, 13, 14, 14a, 14b and 16a shall apply accordingly to that other PNR data.	
CHAPTER 3				
87	CHAPTER 3 LOGGING, PERSONAL DATA PROTECTION AND SECURITY	CHAPTER 3 LOGGING, PERSONAL DATA PROTECTION AND SECURITY	CHAPTER 3 LOGGING, PERSONAL DATA PROTECTION AND SECURITY	
Article 6				
88	Article 6 Keeping of logs	Article 6 Keeping of logs	Article 6 Keeping of logs	
Article 6(0), first subparagraph				
88a		***-1. eu-LISA shall keep logs of all processing operations relating to the transfer of API data through***	**0. eu-LISA shall keep logs of all processing operations relating to the transfer of API data through**	

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		the router under this Regulation. Those logs shall cover the following:	**the router under this Regulation. Those logs shall cover:**	
Article 6(0), first subparagraph, point (a)				
88b		*(a) the air carrier that transferred the API data to the router;*	**(a) the air carrier that transferred the API data to the router;**	
Article 6(-0), first subparagraph, point (b)				
88c		*(b) the competent authorities and PIUs to which the API data was transmitted through the router;*	**(b) the PIUs to which the API data were transmitted through the router;**	
Article 6(0), first subparagraph, point (c)				
88d		*(c) the date and time of the transfers referred to in points (a) and (b), and place of transfer;*	**(c) the date and time of the transfers referred to in points (a) and (b), and place of transfer;**	
Article 6(0), first subparagraph, point (d)				
88e		*(d) any access by staff of eu-LISA necessary for the maintenance of the router, as referred to in Article 11b(3);*	**(d) any access by staff of eu-LISA necessary for the maintenance of the router, as refererred to in Article 11b(3);**	
Article 6(0), first subparagraph, point (e)				

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88f		***(e) any other information relating to those processing operations necessary to monitor the security and integrity of the API data and the lawfulness of those processing operations.***	**(e) any other information relating to those processing operations necessary to monitor the security and integrity of the API data and the lawfulness of those processing operations.**	
Article 6(0), second subparagraph				
88g		***Those logs shall not include any personal data, other than the information necessary to identify the relevant member of the staff of eu-LISA, referred to in point (d) of the first subparagraph.***	**Those logs shall not include any personal data, other than the information necessary to identify the relevant member of eu-LISA's staff referred to in point (d) of this subparagraph.**	
Article 6(1)				
89	1. Air carriers shall create logs of all processing operations under this Regulation undertaken using the automated means referred to in Article 4(3). Those logs shall cover the date, time, and place of transfer of the API data.	1. Air carriers shall create logs of all processing operations under this Regulation undertaken using the automated means referred to in Article 4(3). Those logs shall cover the date, time, and place of transfer of the API data. ***Those logs shall not contain any personal data, other than the information necessary to identify the relevant member of the staff of the air carrier.***	1. Air carriers shall create logs of all processing operations **related to API data** under this Regulation undertaken using the automated means referred to in Article 4(3). Those logs shall cover the date, time, and place of transfer of the API data. **Those logs shall not include any personal data.**	

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Article 6(2)				
90	2. The logs referred to in paragraph 1 shall be used only for ensuring the security and integrity of the API data and the lawfulness of the processing, in particular as regards compliance with the requirements set out in this Regulation, including proceedings for penalties for infringements of those requirements in accordance with Articles 15 and 16.	2. The logs referred to in paragraph 1 shall be used only for ensuring the security and integrity of the API data and the lawfulness of the processing, in particular as regards compliance with the requirements set out in this Regulation, including proceedings for penalties for infringements of those requirements in accordance with Articles 15 and 16.	2. The logs referred to in ~~paragraph~~**paragraphs 0 and** 1 shall be used only for ensuring the security and integrity of the API data and the lawfulness of the processing, in particular as regards compliance with the requirements set out in this Regulation, including proceedings for penalties for infringements of those requirements in accordance with Articles 15 and 16.	
Article 6(3)				
91	3. Air carriers shall take appropriate measures to protect the logs that they created pursuant to paragraph 1 against unauthorised access and other security risks.	3. ***eu-LISA and*** air carriers shall take appropriate measures to protect the logs that they created pursuant to paragraph 1 against unauthorised access and other security risks.	3. **eu-LISA and air** ~~Air~~ carriers shall take appropriate measures to protect the logs that they created pursuant to ~~paragraph~~**paragraphs 0 and** 1 against unauthorised access and other security risks.	
Article 6(3a)				
91a		***3a. The national supervisory authorities referred to in Article 15 and PIUs shall have access to the relevant logs referred to in paragraph 1 where necessary for***		

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		the purposes referred to in paragraph 2.		
Article 6(4), first subparagraph				
92	4. Air carriers shall keep the logs that they created pursuant to paragraph 1, for a time period of one year from the moment of the creation of those logs. They shall immediately and permanently delete those logs upon the expiry of that time period.	4. ***eu-LISA and the*** air carriers shall keep the logs that they created pursuant to paragraph 1, for a time period of one year from the moment of the creation of those logs. They shall immediately and permanently delete those logs upon the expiry of that time period.	4. **eu-LISA and air** ~~Air~~ carriers shall keep the logs that they created pursuant to ~~paragraph~~**paragraphs 0 and** 1, for a time period of one year from the moment of the creation of those logs. They shall immediately and permanently delete those logs upon the expiry of that time period.	
Article 6(4), second subparagraph				
93	However, if those logs are needed for procedures for monitoring or ensuring the security and integrity of the API data or the lawfulness of the processing operations, as referred to in paragraph 2, and those procedures have already begun at the moment of the expiry of the time period referred to in the first subparagraph, air carriers may keep those logs for as long as necessary for those procedures. In that case, they shall immediately delete those logs when they are no longer necessary for those	However, if those logs are needed for procedures for monitoring or ensuring the security and integrity of the API data or the lawfulness of the processing operations, as referred to in paragraph 2, and those procedures have already begun at the moment of the expiry of the time period referred to in the first subparagraph, air carriers may keep those logs for as long as necessary for those procedures***, provided that eu-LISA or the air carriers inform the Commission of the need to keep those logs and***	However, if those logs are needed for procedures for monitoring or ensuring the security and integrity of the API data or the lawfulness of the processing operations, as referred to in paragraph 2, and those procedures have already begun at the moment of the expiry of the time period referred to in the first subparagraph, air carriers ~~may~~**shall** keep those logs for as long as necessary for those procedures. In that case, they shall immediately delete those logs when they are no longer necessary	

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	procedures.	***provide reasons for doing so***. In that case, they shall immediately delete those logs when they are no longer necessary for those procedures.	for those procedures.	
Article 6(5)				
93a			**5. The national API supervision authority referred to in Article 15 and PIUs shall have access to the relevant logs referred to in paragraph 0 where necessary for the purposes referred to in paragraph 2.**	
Article 7				
94	Article 7 Personal data controllers	Article 7 Personal data controllers	Article 7 Personal data controllers	
Article 7, first paragraph -a				
94a			**The authorities so designated by the Member State for that purpose, shall be controllers, within the meaning of Article 3, point (8), of Directive (EU) 2016/680 in relation to the receipt of API data from the router referred to in Article 5 of**	

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			this Regulation.	
Article 7, first paragraph				
95	The PIUs shall be controllers, within the meaning of Article 3, point (8), of Directive (EU) 2016/680 in relation to the processing of API data constituting personal data under this Regulation through the router, including transmission and storage for technical reasons of that data on the router.	The PIUs shall be controllers, within the meaning of Article 3, point (8), of Directive (EU) 2016/680 in relation to the processing of API data constituting personal data under this Regulation through the router, including transmission ***of the data from the router to the PIUs*** and storage for technical reasons of that data on the router ***as well as in relation to their processing of API data constituting personal data referred to in Article 4(7b) of this Regulation***.	~~The PIUs~~**eu-LISA** shall be ~~controllers~~**controller**, within the meaning of Article 3, point (8), of ~~Directive (EU) 2016/680~~**Regulation (EU) 2018/1725** in relation to the processing of API data constituting personal data under this Regulation through the router, including transmission and storage for technical reasons of that data on the router.	
Article 7, second paragraph				
96	The air carriers shall be controllers, within the meaning of Article 4, point (7), of Regulation (EU) 2016/679, for the processing of API data constituting personal data in relation to their collection of that data and their transfer thereof to the router under this Regulation.	The air carriers shall be controllers, within the meaning of Article 4, point (7), of Regulation (EU) 2016/679, for the processing of API data constituting personal data in relation to their collection of that data and their transfer thereof to the router under this Regulation.	The air carriers shall be controllers, within the meaning of Article 4, point (7), of Regulation (EU) 2016/679, for the processing of API data constituting personal data in relation to their collection of that data and their transfer thereof to the router under this Regulation.	

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Article 7a				
96a		***Article 7a*** ***Personal data processor***		
Article 7a, first paragraph				
96b		***eu-LISA shall be the processor on behalf of the PIUs within the meaning of Article 3, point (9), of Directive 2016/680 for the processing of API data constituting personal data through the router in accordance with this Regulation.***		
Article 7b				
96c		***Article 7b*** ***Information to passengers***		
Article 7b, first paragraph				
96d		***In accordance with the right of information in Article 13 of Regulation (EU) 2016/679, air carriers shall provide passengers, on flights covered by this Regulation, with information on the purpose of the collection of their personal data, the type of***		

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		personal data collected, the recipients of the personal data and the means to exercise the data subject rights.		
Article 7b, second paragraph				
96e		***This information shall be communicated to passengers in writing and in an easily accessible format at the moment of booking and at the moment of check-in, irrespective of the means used to collect the personal data at the moment of check-in, in accordance with Article 4.***		
Article 8				
97	Article 8 Security	Article 8 Security	Article 8 Security	
Article 8, first paragraph				
98	PIUs and air carriers shall ensure the security of the API data, in particular API data constituting personal data, that they process pursuant to this Regulation.	***1.*** PIUs and air carriers shall ensure the security of the API data, in particular API data constituting personal data, that they process pursuant to this Regulation.	**1. eu-LISA shall ensure the security of the API data, in particular API data constituting personal data, that it processes pursuant to this Regulation.** PIUs and air carriers shall ensure the security of the API data, in	

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			particular API data constituting personal data, that they process pursuant to this Regulation.	
Article 8, second paragraph				
99	PIUs and air carriers shall cooperate, in accordance with their respective responsibilities and in compliance with Union law, with each other and with eu-LISA to ensure such security.	***2.*** PIUs and air carriers shall cooperate, in accordance with their respective responsibilities and in compliance with Union law, with each other and with eu-LISA to ensure such security.	**eu-LISA,** PIUs and air carriers shall cooperate, in accordance with their respective responsibilities and in compliance with Union law, with each other and with eu-LISA to ensure such security.	
Article 8(1a)				
99a		***2a. eu-LISA shall ensure the security and encryption of the API data, in particular API data constituting personal data, that it processes pursuant to this Regulation. The PIUs and the air carriers shall ensure the security of the API data, in particular API data constituting personal data, that they process pursuant to this Regulation. eu-LISA, the PIUs and the air carriers shall cooperate, in accordance with their respective responsibilities and in compliance with Union law, with each other to ensure such security.***	**1a. eu-LISA shall ensure the security and the confidentiality of the data related to flights and routes selected by the Member States in accordance with Article 5(2) of this Regulation.**	

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Article 8(2), first subparagraph				
99b		***3. In particular, eu-LISA shall take the necessary measures to ensure the security of the router and the API data, in particular API data constituting personal data, transmitted through the router, including by establishing, implementing and regularly updating a security plan, a business continuity plan and a disaster recovery plan, in order to:***	**2. In particular, eu-LISA shall take the necessary measures to ensure the security of the router and the API data, in particular API data constituting personal data, transmitted through the router, including by establishing, implementing and regularly updating a security plan, a business continuity plan and a disaster recovery plan, in order to:**	
Article 8(2), first subparagraph, point (a)				
99c		***(a) physically protect the router, including by making contingency plans for the protection of critical components thereof;***	**(a) physically protect the router, including by making contingency plans for the protection of critical components thereof;**	
Article 8(2), first subparagraph, point (b)				
99d		***(b) prevent any unauthorised processing of the API data, including any unauthorised access thereto and copying, modification or deletion thereof, both during the transfer of the***	**(b) prevent any unauthorised processing of the API data, including any unauthorised access thereto and copying, modification or deletion thereof, both during the transfer of the**	

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		API data to and from the router and during any storage of the API data on the router where necessary to complete the transmission, in particular by means of appropriate encryption techniques;	**API data to and from the router and during any storage of the API data on the router where necessary to complete the transmission, in particular by means of appropriate encryption techniques;**	
Article 8(2), first subparagraph, point (c)				
99e			**(c) ensure that the persons authorised to access the router have access only to the data covered by their access authorisation;**	
Article 8(2), first subparagraph, point (d)				
99f		***(c) ensure that it is possible to verify and establish to which PIUs the API data is transmitted through the router;***	**(d) ensure that it is possible to verify and establish to which PIUs the API data is transmitted through the router;**	
Article 8(2), first subparagraph, point (e)				
99g		***(d) properly report to its Management Board any faults in the functioning of the router;***	**(e) properly report to its Management Board any faults in the functioning of the router;**	
Article 8(2), first subparagraph, point (f)				

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99h		***(e) monitor the effectiveness of the security measures required under this Article and under Regulation (EU) 2018/1725, and assess and update those security measures where necessary in the light of technological or operational developments.***	**(f) monitor the effectiveness of the security measures required under this Article and under Regulation (EU) 2018/1725, and assess and update those security measures where necessary in the light of technological or operational developments.**	
Article 8(3), second subparagraph				
99i		***The measures referred to in the first subparagraph of this paragraph shall not affect Article 33 of Regulation (EU) 2018/1725 and Article 32 of Regulation (EU) 2016/679.***	**The measures referred to in the first subparagraph of this paragraph shall not affect Article 33 of Regulation (EU) 2018/1725 and Article 32 of Regulation (EU) 2016/679, and Article 29 of Directive (EU) 2016/680.**	
Article 9				
100	Article 9 Self-monitoring	Article 9 Self-monitoring	Article 9 Self-monitoring	
Article 9, first paragraph				
101	Air carriers and the PIUs shall monitor their compliance with their respective obligations under this Regulation, in particular as regards	Air carriers and the PIUs shall monitor their compliance with their respective obligations under this Regulation, in particular as regards	Air carriers and the PIUs shall monitor their compliance with their respective obligations under this Regulation, in particular as regards	

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	their processing of API data constituting personal data, including through frequent verification of the logs in accordance with Article 7.	their processing of API data constituting personal data, including through frequent verification of the logs in accordance with Article 7.	their processing of API data constituting personal data~~,~~ ~~including through~~**. For air carriers the monitoring shall include** frequent verification of the logs in accordance with Article ~~7~~**6**.	
Article 9a				
101a		***Article 9a*** ***Personal data protection audits***	**Article 9a** **Personal data protection audits**	
Article 9a(1)				
101b		***1. The independent supervisory authorities referred to in Article 41 of Directive 2016/680 shall ensure that an audit of processing operations of API data constituting personal data performed by the PIUs for the purposes of this Regulation is carried out, in accordance with relevant international auditing standards, at least once every four years.***	**1. The supervisory authorities referred to in Article 41 of Directive (EU) 2016/680 shall carry out an audit of processing operations of API data constituting personal data performed by the PIUs for the purposes of this Regulation at least once every four years. Member States shall ensure that their supervisory authorities have sufficient resources and expertise to fulfil the tasks entrusted to them under this Regulation.**	
Article 9a(2)				

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101c		*2. The European Data Protection Supervisor shall carry out an audit of processing operations of API data constituting personal data performed by eu-LISA for the purposes of this Regulation, in accordance with relevant international auditing standards at least once every year. A report of that audit shall be sent to the European Parliament, to the Council, to the Commission, to the Member States and to eu-LISA. eu-LISA shall be given an opportunity to make comments before the reports are adopted.*	**2. The European Data Protection Supervisor shall carry out an audit of processing operations of API data constituting personal data performed by eu-LISA for the purposes of this Regulation at least once every year. A report of that audit shall be sent to the European Parliament, to the Council, to the Commission, to the Member States and to eu-LISA. eu-LISA shall be given an opportunity to make comments before the reports are adopted.**	
Article 9a(3)				
101d		*3. In relation to the processing operations referred to in paragraph 2, upon request, eu-LISA shall supply information requested by the European Data Protection Supervisor, shall grant the European Data Protection Supervisor access to all the documents it requests and to the logs referred to in Article 6, and shall allow the European Data Protection Supervisor access to all eu-LISA's premises at any time.*	**3. In relation to the processing operations referred to in paragraph 2, upon request, eu-LISA shall supply information requested by the European Data Protection Supervisor, shall grant the European Data Protection Supervisor access to all the documents it requests and to the logs referred to in Article 6(0), and shall allow the European Data Protection Supervisor access to all eu-**	

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			LISA's premises at any time.	
CHAPTER 4				
102	CHAPTER 4 MATTERS RELATING TO THE ROUTER	CHAPTER 4 MATTERS RELATING TO THE ROUTER	CHAPTER 4 MATTERS RELATING TO THE ROUTER	
Article 10				
103	Article 10 PIUs' connections to the router	Article 10 PIUs' connections to the router	Article 10 PIUs' connections to the router	
Article 10(1), first subparagraph				
104	1. Member States shall ensure that their PIUs are connected to the router. They shall ensure that their national systems and infrastructure for the reception and further processing of API data transferred pursuant to this Regulation are integrated with the router.	1. Member States shall ensure that their PIUs are connected to the router. They shall ensure that their national systems and infrastructure for the reception and further processing of API data transferred pursuant to this Regulation are integrated with the router.	1. Member States shall ensure that their PIUs are connected to the router. They shall ensure that their national systems and infrastructure for the reception and further processing of API data transferred pursuant to this Regulation**, including any single data entry point as referred to in Article 5(1a),** are integrated with the router.	
Article 10(1), second subparagraph				
105	Member States shall ensure that the	Member States shall ensure that the	Member States shall ensure that the	

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	connection to that router and integration with it enables their PIUs to receive and further process the API data, as well as to exchange any communications relating thereto, in a lawful, secure, effective and swift manner.	connection to ~~that~~***the*** router and integration with it enables their PIUs to receive and further process the API data, as well as to exchange any communications relating thereto, in a lawful, secure, effective and swift manner.	connection to that router and integration with it enables their PIUs to receive and further process ~~the~~**that** API data, as well as to exchange any communications relating thereto, in a lawful, secure, effective and swift manner.	
Article 10(2)				
106	2. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed rules on the connections to and integration with the router referred to in paragraph 1.	2. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by laying down the necessary detailed rules on the connections to and integration with the router referred to in paragraph 1***, including on requirements for data security***.	2. The Commission ~~is empowered to~~**shall** adopt ~~delegated acts in accordance with Article 19 to supplement this Regulation by laying down~~**implementing acts specifying** the necessary detailed rules on the connections to and integration with the router referred to in paragraph 1**, including on requirements for data security. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2)**.	
Article 11				
107	Article 11 Air carriers' connections to the router	Article 11 Air carriers' connections to the router	Article 11 Air carriers' connections to the router	

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Article 11(1), first subparagraph				
108	1. Air carriers shall ensure that they are connected to the router. They shall ensure that their systems and infrastructure for the transfer of API data to the router pursuant to this Regulation are integrated with the router.	1. Air carriers shall ensure that they are connected to the router. They shall ensure that their systems and infrastructure for the transfer of API data to the router pursuant to this Regulation are integrated with the router.	1. Air carriers shall ensure that they are connected to the router. They shall ensure that their systems and infrastructure for the transfer of API data to the router pursuant to this Regulation are integrated with the router.	
Article 11(1), second subparagraph				
109	Air carriers shall ensure that the connection to the router and the integration with it enables them to transfer the API data as well as to exchange any communications relating thereto, in a lawful, secure, effective and swift manner.	Air carriers shall ensure that the connection to the router and the integration with it enables them to transfer the API data as well as to exchange any communications relating thereto, in a lawful, secure, effective and swift manner.	Air carriers shall ensure that the connection to the router and the integration with it enables them to transfer ~~the~~**that** API data as well as to exchange any communications relating thereto, in a lawful, secure, effective and swift manner. **To that end, air carriers shall conduct tests of the transfer of API data to the router in cooperation with eu-LISA in accordance with Article 11c(3).**	
Article 11(2)				
110	2. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by	2. The Commission is empowered to adopt delegated acts in accordance with Article 19 to supplement this Regulation by	2. The Commission ~~is empowered to~~**shall** adopt ~~delegated acts in accordance with Article 19 to supplement this Regulation by~~	

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	laying down the necessary detailed rules on the connections to and integration with the router referred to in paragraph 1.	laying down the necessary detailed rules on the connections to and integration with the router referred to in paragraph 1***, including on data security requirements***.	~~laying down~~**implementing acts specifying** the necessary detailed rules on the connections to and integration with the router referred to in paragraph 1**, including on requirements for data security. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2)**.	
Article 11a				
110a		***Article 11a*** ***eu-LISA's tasks relating to the design and development of the router***	**Article 11a** **eu-LISA's tasks relating to the design and development of the router**	
Article 11a(1)				
110b		***1. eu-LISA shall be responsible for the design of the physical architecture of the router, including defining the technical specifications.***	**1. eu-LISA shall be responsible for the design of the physical architecture of the router, including defining the technical specifications.**	
Article 11a(2), first subparagraph				
110c		***2. eu-LISA shall be responsible for the development of the router, including for any technical***	**2. eu-LISA shall be responsible for the development of the router, including for any**	

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		adaptations necessary for the operation of the router. The development of the router shall consist of the elaboration and implementation of the technical specifications, testing and overall project management and the coordination of the development phase.	**technical adaptations necessary for the operation of the router.**	
Article 11a(2), second subparagraph				
110d			**The development of the router shall consist of the elaboration and implementation of the technical specifications, testing and overall project management and coordination of the development phase.**	
Article 11a(3)				
110e		***3. eu-LISA shall ensure that the router is designed and developed in such a manner that the router provides the functionalities specified in this Regulation, and that the router starts operations as soon as possible after the adoption by the Commission of the delegated acts provided for in 4(5) and (9), Article 5(3), Article 10(2),***	**3. eu-LISA shall ensure that the router is designed and developed in such a manner that the router provides the functionalities specified in this Regulation and that it starts operations as soon as possible after the adoption by the Commission of the implementing acts provided for in Article 4(5), Article 4a(3),**	

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		Article 11(2) and after the carrying out of a data protection impact assessment in accordance with Article 35 of Regulation (EU) 2016/679.	**Article 5(3)), Article 10(2) and Article 11(2).**	
Article 11a(4)				
110f			**4. eu-LISA shall provide to the PIUs, other relevant Member States' authorities and air carriers, a compliance test set. The compliance test set shall include a test environment, a simulator, test data sets, and a test plan. The compliance test set shall allow for the comprehensive test of the router referred to in paragraph 5 and it shall remain available after the completion of the comprehensive test of the router.**	
Article 11a(5)				
110g		*4. Where eu-LISA considers that the development phase has been completed, it shall, without undue delay, conduct a comprehensive test of the router, in cooperation with the PIUs and other relevant Member States' authorities and*	**5. Where eu-LISA considers that the development phase has been completed, it shall, without undue delay, conduct a comprehensive test of the router, in cooperation with the PIUs and other relevant Member States'**	

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		air carriers and inform the Commission of the outcome of that test.	**authorities and air carriers and inform the Commission of the outcome of that test.**	
Article 11b				
110h		*Article 11b* *eu-LISA's tasks relating to the hosting and technical management of the router*	**Article 11b** **eu-LISA's tasks relating to the hosting and technical management of the router**	
Article 11b(1)				
110i		*1. eu-LISA shall host the router in its technical sites.*	**1. eu-LISA shall host the router in its technical sites.**	
Article 11b(2), first subparagraph				
110j		*2. eu-LISA shall be responsible for the technical management of the router, including its maintenance and technical developments, in such a manner as to ensure that the API data are securely, effectively and swiftly transmitted through the router, in compliance with this Regulation.*	**2. eu-LISA shall be responsible for the technical management of the router, including its maintenance and technical developments, in such a manner as to ensure that the API data are securely, effectively and swiftly transmitted through the router, in compliance with this Regulation.**	
Article 11b(2), second subparagraph				

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110k		*The technical management of the router shall consist of carrying out all the tasks and enacting all technical solutions necessary for the proper functioning of the router in accordance with this Regulation, in an uninterrupted manner, 24 hours a day, 7 days a week. It shall include the maintenance work and technical developments necessary to ensure that the router functions at a satisfactory level of technical quality, in particular as regards availability, accuracy and reliability of the transmission of API data, in accordance with the technical specifications and, as much as possible, in line with the operational needs of the PIUs and air carriers.*	**The technical management of the router shall consist of carrying out all the tasks and enacting all technical solutions necessary for the proper functioning of the router in accordance with this Regulation, in an uninterrupted manner, 24 hours a day, 7 days a week. It shall include the maintenance work and technical developments necessary to ensure that the router functions at a satisfactory level of technical quality, in particular as regards availability, accuracy and reliability of the transmission of API data, in accordance with the technical specifications and, as much as possible, in line with the operational needs of the PIUs and air carriers.**	
Article 11b(3)				
110l		*3. eu-LISA shall not have access to any of the API data that is transmitted through the router. However, that prohibition shall not preclude eu-LISA from having such access insofar as strictly necessary for the maintenance of the router.*	**3. eu-LISA's staff shall not have access to any of the API data that is transmitted through the router. However, that prohibition shall not preclude eu-LISA's staff from having such access insofar as strictly necessary for the maintenance**	

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			and technical management of the router.	
Article 11b(4)				
110m		*4. Without prejudice to paragraph 3 of this Article and to Article 17 of Council Regulation (EEC, Euratom, ECSC) No 259/68[1], eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its staff required to work with API data transmitted through the router. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.* _____ *1. Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).*	**4. Without prejudice to paragraph 3 of this Article and to Article 17 of Council Regulation (EEC, Euratom, ECSC) No 259/68[1], eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its staff required to work with API data transmitted through the router. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.** _____ **1. [1] Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).**	
Article 11c				
110n				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Article 11c *eu-LISA's support tasks relating to the router*	**Article 11c** **eu-LISA's support tasks relating to the router**	
Article 11c(1)				
110o		*1. eu-LISA shall, upon their request, provide training to PIUs and other relevant Member States' authorities and air carriers on the technical use of the router and on the connection and integration to the router.*	**1. eu-LISA shall, upon their request, provide training and support to PIUs and other relevant Member States' authorities and air carriers on the technical use of the router.**	
Article 11c(2)				
110p		*2. eu-LISA shall provide support to the PIUs regarding the reception of API data through the router pursuant to this Regulation, in particular as regards the application of Articles 5 and 10 of this Regulation.*	**2. eu-LISA shall provide support to the PIUs regarding the reception of API data through the router pursuant to this Regulation in particular as regards the application of Articles 5 and 10.**	
Article 11c(3)				
110q			**3. In accordance with Article 11(1), eu-LISA shall conduct tests in cooperation with air carriers of the transfer of API data to the router, making use of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the compliance test set referred to in Article 11a(4).	
Chapter 4a				
110r			**Chapter 4a GOVERNANCE**	
Article 11d				
110s			**Article 11d Programme Management Board**	
Article 11d(1), first subparagraph				
110t			**1. By [Date of entry into force of this Regulation], eu-LISA's Management Board shall establish a Programme Management Board. It shall be composed of 10 members and shall consist of:**	
Article 11d(1), first subparagraph, point (a)				
110u			**(a) seven members appointed by eu-LISA's Management Board from among its members or its alternates;**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11d(1), first subparagraph, point (b)				
110v			**(b) the chair of the API-PNR Advisory Group referred to in Article 11e;**	
Article 11d(1), first subparagraph, point (c)				
110w			**(c) one member of the eu-LISA staff appointed by its Executive Director;**	
Article 11d(1), first subparagraph, point (d)				
110x			**(d) and one member appointed by the Commission.**	
Article 11d(1), second subparagraph				
110y			**As regards point (a), the members appointed by eu-LISA's Management Board shall be elected only from its members or its alternates from those Member States that are bound by this Regulation.**	
Article 11d(2), first subparagraph				
110z			**2. The Programme Management**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Board shall draft its rules of procedure to be adopted by eu-LISA's Management Board.	
Article 11d(2), second subparagraph				
110aa			**The chairpersonship shall be held by a Member State that is a member of the Programme Management Board.**	
Article 11d(3), first subparagraph				
110ab			**3. The Programme Management Board shall supervise the effective fulfilment of eu-LISA's tasks relating to the design and development of the router in accordance with Article 11a.**	
Article 11d(3), second subparagraph				
110ac			**To that end, upon request of the Programme Management Board, eu-LISA shall provide detailed and updated information on the design and development of the router, including on the resources allocated by eu-LISA.**	
Article 11d(3), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
110ad			**The Programme Management Board shall regularly, and at least three times per quarter, submit written reports on progress in the design and development of the router to eu-LISA's Management Board.**	
Article 11d(4)				
110ae			**4. The Programme Management Board shall have no decision-making power, nor any mandate to represent eu-LISA's Management Board or its members.**	
Article 11d(5)				
110af			**5. The Programme Management Board shall cease to exist by the date of the application of this Regulation referred to in Article 21, second subparagraph.**	
Article 11e				
110ag			**Article 11e API-PNR Advisory Group**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11e(1)				
110ah			**1. By [Date of entry into force of this Regulation], eu-LISA's Management Board shall establish an API-PNR Advisory Group in accordance with Article 27 of Regulation (EU) 2018/1726.**	
Article 11e(2)				
110ai			**2. Whenever available, eu-LISA shall provide the API-PNR Advisory Group with versions, even intermediary ones, of the technical specifications and the compliance test sets referred to in Article 11a(1), (2) and (4).**	
Article 11e(3)				
110aj			**3. The API-PNR Advisory Group shall exercise the following functions:**	
Article 11e(3), point (a)				
110ak			**(a) provide expertise to eu-LISA and to the Programme Management Board on the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			design and development of the router in accordance with Article 11a;	
Article 11e(3), point (b)				
110al			**(b) provide expertise to eu-LISA on the hosting and technical management of the router in accordance with Article 11b;**	
Article 11e(3), point (c)				
110am			**(c) provide its opinion to the Programme Management Board, upon its request, on the progress of the design and development of the router, including on the progress of those technical specifications and compliance test sets referred to in paragraph 2.**	
Article 11e(4)				
110an			**4. The API-PNR Advisory Group shall have no decision-making power, nor any mandate to represent the eu-LISA's Management Board or its members.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11f				
110ao			**Article 11f API-PNR Contact Group**	
Article 11f(1)				
110ap			**1. By the date of the application of this Regulation referred to in Article 21, second subparagraph, eu-LISA's Management Board shall establish an API-PNR Contact Group.**	
Article 11f(2)				
110aq			**2. The API-PNR Contact Group shall enable communication between Member States' relevant authorities and air carriers on technical matters related to their respective tasks and obligations under this Regulation.**	
Article 11f(3)				
110ar			**3. The API-PNR Contact Group shall be composed of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			representatives of Member States' relevant authorities and air carriers, the chairperson of the API-PNR Advisory Group and eu-LISA's experts.	
Article 11f(4)				
110as			**4. eu-LISA's Management Board shall establish the rules of procedure of the API-PNR Contact Group, following an opinion of the API-PNR Advisory Group.**	
Article 11f(5)				
110at			**5. When deemed necessary, eu-LISA's Management Board may also establish sub-groups of the API-PNR Contact Group to discuss specific technical matters related to the respective tasks and obligations of Member States' relevant authorities and air carriers under this Regulation.**	
Article 11f(6)				
110au			**6. The API-PNR Contact Group,**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			including its sub-groups, shall have no decision-making power, nor any mandate to represent the eu-LISA's Management Board or its members.	
Article 11a				
110av		***Article 11d*** ***API Expert Group***	**Article 11g** **API Expert Group**	Note: EP position places this new Article addition at Article 17a
Article 11g(1)				
110aw		***1. An API Expert Group shall be established with effect from ... [one month from the date of entry into force of this Regulation] in accordance with the horizontal rules on the creation and operation of Commission expert groups. It shall facilitate cooperation and the exchange of information on obligations stemming from and issues relating to this Regulation among Member States, EU institutions and stakeholders.***	**1. By the date of application of this Regulation referred to in Article 21, second subparagraph, the Commission shall establish an API Expert Group in accordance with the horizontal rules on the creation and operation of Commission expert groups.**	
Article 11g(2)				
110ax			**2. The API Expert Group shall**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			enable communication among Member States' relevant authorities, and between Member States' relevant authorities and air carriers, on policy matters related to their respective tasks and obligations under this Regulation, including in relation to the penalties referred to in Article 16.	
Article 11g(3)				
110ay		***2. The API Expert Group shall be composed of representatives of the European Commission, Member States' relevant authorities, the European Parliament and eu-LISA. Where relevant for the performance of its tasks, the API Expert Group may invite relevant stakeholders, in particular representatives of air carriers, the EDPS and the independent national supervisory authorities, to participate in its work. The Commission's representative shall chair the API Expert Group.***	**3. The API Expert Group shall be chaired by the Commission and constituted in accordance with the horizontal rules on the creation and operation of Commission expert groups. It shall be composed of representatives of Member States' relevant authorities, representatives of air carriers and eu-LISA's experts.**	
Article 11g(4)				
110az				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			4. The API Expert Group shall carry out its tasks in accordance with the principle of transparency. The Commission shall publish the minutes of the meetings of the API Expert Group and other relevant documents on the Commission website.	
Article 12				
111	Article 12 Member States' costs	Article 12 ***Costs of eu-LISA and of*** Member States~~' costs~~	Article 12 **Costs of eu-LISA and** Member States'~~ costs~~	Text Origin: Commission Proposal
Article 12(0)				
111a		***-1. Costs incurred by eu-LISA in relation to the design, development, hosting and technical management of the router under this Regulation shall be borne by the general budget of the Union. In view of the Union interests at stake, in relation to its responsibilities for the design, development, hosting and technical management and maintenance of the router, eu-LISA shall be provided with the necessary resources under the***	**0. Costs incurred by eu-LISA arising out of the establishment and operation of the router under this Regulation shall be borne by the general budget of the Union.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Union budget in accordance with the applicable legislation.		
Article 12(1), first subparagraph				
112	1. Costs incurred by the Member States in relation to their connections to and integration with the router referred to in Article 10 shall be borne by the general budget of the Union.	1. Costs incurred by ***eu-LISA and*** the Member States in relation to their connections to and integration with the router referred to in Article 10 shall be borne by the general budget of the Union.	1. **The funding referred to in Article 7(2)(a) and (b) of Regulation (EU) 2021/1149 may provide support for** costs incurred by the Member States in relation to their connections to and integration with the router referred to in Article 10 ~~shall be borne by the general budget~~**of this Regulation and the maintenance thereof, in accordance with the eligibility rules and co-financing rates set in the legal basis** of the ~~Union~~**Internal Security Fund**.	
Article 12(1), second subparagraph				
113	However, the following costs shall be excluded and be borne by the Member States:	However, the following costs shall be excluded and be borne by the Member States:	~~However, the following costs shall be excluded and be borne by the Member States:~~	
Article 12(1), second subparagraph, point (a)				
114	(a) costs for project management, including costs for meetings, missions and offices;	(a) costs for project management, including costs for meetings, missions and offices;	~~(a) costs for project management, including costs for meetings, missions and offices;~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(1), second subparagraph, point (b)				
115	(b) costs for the hosting of national information technology (IT) systems, including costs for space, implementation, electricity and cooling;	(b) costs for the hosting of national information technology (IT) systems, including costs for space, implementation, electricity and cooling;	~~(b) costs for the hosting of national information technology (IT) systems, including costs for space, implementation, electricity and cooling;~~	
Article 12(1), second subparagraph, point (c)				
116	(c) costs for the operation of national IT systems, including operators and support contracts;	(c) costs for the operation of national IT systems, including operators and support contracts;	~~(c) costs for the operation of national IT systems, including operators and support contracts;~~	
Article 12(1), second subparagraph, point (d)				
117	(d) costs for the design, development, implementation, operation and maintenance of national communication networks.	(d) costs for the design, development, implementation, operation and maintenance of national communication networks.	~~(d) costs for the design, development, implementation, operation and maintenance of national communication networks.~~	
Article 12(1), second subparagraph, point (da)				
117a		***1a. Costs incurred by the European Data Protection Supervisor in relation to the tasks entrusted to it under this Regulation shall be borne by the general budget of the Union.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(1), second subparagraph, point (db)				
117b		***1b. Costs incurred by independent national supervisory authorities in relation to the tasks entrusted to them under this Regulation shall be borne by the Member States.***		
Article 12(2)				
118	2. Member States shall also bear the costs arising from the administration, use and maintenance of their connections to and integration with the router.	2. ***The*** Member States shall also bear the costs arising from the administration, use and maintenance of their connections to and integration with the router.	~~2. Member States shall also bear the costs arising from the administration, use and maintenance of their connections to and integration with the router.~~	
Article 13				
119	Article 13 Actions in case of technical impossibility to use the router	Article 13 Actions in case of technical impossibility to use the router	Article 13 Actions in case of technical impossibility to use the router	Note: EP position relocated this Article to follow Article 6
Article 13(1), first subparagraph				
120	1. Where it is technically impossible to use the router to transmit API data because of a failure of the router, eu-LISA shall immediately notify the air carriers	1. Where it is technically impossible to use the router to transmit API data because of a failure of the router, eu-LISA shall immediately notify the air carriers	1. Where it is technically impossible to use the router to transmit API data because of a failure of the router, eu-LISA shall immediately notify the air carriers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and PIUs of that technical impossibility in an automated manner. In that case, eu-LISA shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been successfully addressed.	and PIUs of that technical impossibility in an automated manner. In that case, eu-LISA shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been successfully addressed.	and PIUs of that technical impossibility in an automated manner. In that case, eu-LISA shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been successfully addressed.	
Article 13(1), second subparagraph				
121	During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article 4(1) shall not apply either to the API data in question during that time period.	During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article ~~4(1)~~***4 paragraphs 1 and 8*** shall not apply either to the API data in question during that time period.	During the time period between those notifications, Article ~~4(6)~~**4a(1)** shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. **Air carriers shall store the API data until the technical impossibility has been successfully addressed and at that point transfer the data to the router in accordance with** ~~Insofar as that is the case,~~ Article ~~4(1) shall not apply either to the API data in question during that time period~~**4a(1). Meanwhile, in the exceptional case of technical impossibility to use the router, PIUs may request air carriers to use any other appropriate means ensuring the necessary level of data security to transfer the API**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			data directly to the PIUs.	
Article 13(2), first subparagraph				
122	2. Where it is technically impossible to use the router to transmit API data because of a failure of the systems or infrastructure referred to in Article 10 of a Member State, the PIU of that Member State shall immediately notify the air carriers, the other PIUs, eu-LISA and the Commission of that technical impossibility in an automated manner. In that case, that Member State shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been successfully addressed.	2. Where it is technically impossible to use the router to transmit API data because of a failure of the systems or infrastructure referred to in Article 10 of a Member State, the PIU of that Member State shall immediately notify the air carriers, the other PIUs, eu-LISA and the Commission of that technical impossibility in an automated manner. In that case, that Member State shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been successfully addressed.	2. Where it is technically impossible to use the router to transmit API data because of a failure of the systems or infrastructure referred to in Article 10 of a Member State, the PIU of that Member State shall immediately notify ~~the air carriers,~~ the other PIUs, eu-LISA and the Commission of that technical impossibility in an automated manner. In that case, that Member State shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been successfully addressed. **The router shall store the API data until the technical impossibility has been successfully adressed and at that point transmit the data in accordance with Article 5(1). Meanwhile, in the exceptional case of technical impossibility to use the router, PIUs may request air carriers to use any other appropriate means ensuring the necessary level of data security to**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			transfer the API data directly to the PIUs.	
Article 13(2), second subparagraph				
123	During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article 4(1) shall not apply either to the API data in question during that time period.	During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article 4(1) shall not apply either to the API data in question during that time period.	~~During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article 4(1) shall not apply either to the API data in question during that time period.~~	
Article 13(3), first subparagraph				
124	3. Where it is technically impossible to use the router to transmit API data because of a failure of the systems or infrastructure referred to in Article 11 of an air carrier, that air carrier shall immediately notify the PIUs, eu-LISA and the Commission of that technical impossibility in an automated manner. In that case, that air carrier shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been	3. Where it is technically impossible to use the router to transmit API data because of a failure of the systems or infrastructure referred to in Article 11 of an air carrier, that air carrier shall immediately notify the PIUs, eu-LISA and the Commission of that technical impossibility in an automated manner. In that case, that air carrier shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been	3. Where it is technically impossible to use the router to transmit API data because of a failure of the systems or infrastructure referred to in Article 11 of an air carrier, that air carrier shall immediately notify the PIUs, eu-LISA and the Commission of that technical impossibility in an automated manner. In that case, that air carrier shall immediately take measures to address the technical impossibility to use the router and shall immediately notify those parties when it has been	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	successfully addressed.	successfully addressed.	successfully addressed.	
Article 13(3), second subparagraph				
125	During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article 4(1) shall not apply either to the API data in question during that time period.	During the time period between those notifications, Article 4(6) shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. Insofar as that is the case, Article 4(1) shall not apply either to the API data in question during that time period.	During the time period between those notifications, Article ~~4(6)~~**4a(1)** shall not apply, insofar as the technical impossibility prevents the transfer of API data to the router. **Air carriers shall store the API data until the technical impossibility has been successfully addressed and at that point transfer the data to the router in accordance with** ~~Insofar as that is the case,~~ Article ~~4(1) shall not apply either to the API data in question during that time period~~**4a(1). Meanwhile, in the exceptional case of technical impossibility to use the router, PIUs may request air carriers to use any other appropriate means ensuring the necessary level of data security to transfer the API data directly to the PIUs**.	
Article 13(3), third subparagraph				
126	When the technical impossibility has been successfully addressed, the air carrier concerned shall,	When the technical impossibility has been successfully addressed, the air carrier concerned shall,	When the technical impossibility has been successfully addressed, the air carrier concerned shall,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	without delay, submit to the competent national supervisory authority referred to in Article 15 a report containing all necessary details on the technical impossibility, including the reasons for the technical impossibility, its extent and consequences as well as the measures taken to address it.	without delay, submit to the competent national supervisory authority referred to in Article 15 a report containing all necessary details on the technical impossibility, including the reasons for the technical impossibility, its extent and consequences as well as the measures taken to address it.	without delay, submit to the competent national supervisory authority referred to in Article 15 a report containing all necessary details on the technical impossibility, including the reasons for the technical impossibility, its extent and consequences as well as the measures taken to address it.	
Article 14				
127	Article 14 Liability regarding the router	Article 14 Liability regarding the router	Article 14 Liability regarding the router	
Article 14, first paragraph				
128	If any failure of a Member State or an air carrier to comply with its obligations under this Regulation causes damage to the router, that Member State or air carrier shall be liable for such damage, unless and insofar as eu-LISA failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.	If any failure of a Member State or an air carrier to comply with its obligations under this Regulation causes damage to the router, that Member State or air carrier shall be liable for such damage, unless and insofar as eu-LISA failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.	If ~~any~~ **a** failure of a Member State or an air carrier to comply with its obligations under this Regulation causes damage to the router, that Member State or air carrier shall be liable for such damage**, as provided for by the applicable Union or national law**, unless and insofar **it is demonstrated that eu-LISA, another Member State or another air carrier** ~~as eu-LISA~~ failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14a				
128a		***Article 14a*** ***Start of operations of the router***	**Article 14a** **Start of operations of the router**	
Article 14a, first paragraph				
128b		***The Commission shall determine, without undue delay, the date from which the router starts operations by means of an implementing act once eu-LISA has informed the Commission of the successful completion of the comprehensive test of the router referred to in Article 11a (4). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 18a (2).***	**The Commission shall determine, without undue delay, the date from which the router starts operations by means of an implementing act once eu-LISA has informed the Commission of the successful completion of the comprehensive test of the router referred to in Article 11a(5). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 19(2).**	
Article 14a, second paragraph				
128c		***The Commission shall set the date referred to in the first subparagraph to be no later than 30 days from the date of the adoption of that implementing act.***	**The Commission shall set the date referred to in the first subparagraph to be no later than 30 days from the date of the adoption of that implementing act.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14b				
128d		***Article 14b*** ***Voluntary use of the router in application of Directive 2004/82/EC***	**Article 14b** **Voluntary use of the router in application of Directive 2004/82/EC**	
Article 14b(1)				
128e		***1. Air carriers shall be entitled to use the router to transmit the information referred to in Article 3(1) of Directive 2004/82/EC to one or more of the responsible PIUs referred to therein, in accordance with that Directive, provided that the responsible PIU concerned has agreed with such use, from an appropriate date set by that PIU. That PIU shall only agree after having established that, in particular as regards both its own connection to the router and that of the air carrier concerned, the information can be transmitted in a lawful, secure, effective and swift manner.***	**1. Air carriers shall be entitled to use the router to transmit the information referred to in Article 3(1) and 3(2) of Directive 2004/82/EC to one or more of the responsible PIUs, in accordance with that Directive, provided that the Member State concerned has agreed with such use, from an appropriate date set by that Member State. That Member State shall only agree after having established that, in particular as regards both its own PIU's connection to the router and that of the air carrier concerned, the information can be transmitted in a lawful, secure, effective and swift manner.**	
Article 14b(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
128f		*2. Where an air carrier starts using the router in accordance with paragraph 1, it shall continue using the router to transmit such information to the responsible PIU concerned until the date of application of this Regulation referred to in Article 21, second subparagraph. However, that use shall be discontinued, from an appropriate date set by that PIU, where that PIU considers that there are objective reasons that require such discontinuation and has informed the air carrier accordingly.*	**2. Where an air carrier starts using the router in accordance with paragraph 1, it shall continue using the router to transmit such information to the PIUs of the Member State concerned until the date of application of this Regulation referred to in Article 21, second subparagraph. However, that use shall be discontinued, from an appropriate date set by that Member State, where that Member State considers that there are objective reasons that require such discontinuation and has informed the air carrier accordingly.**	
Article 14b(3)				
128g		*3. The responsible PIU concerned shall:*	**3. The responsible Member State concerned shall:**	
Article 14b(3), point (a)				
128h		*(a) consult eu-LISA before agreeing with the voluntary use of the router in accordance with paragraph 1;*	**(a) consult eu-LISA before agreeing with the voluntary use of the router in accordance with paragraph 1;**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14b(3), point (b)				
128i		*(b) except in situations of duly justified urgency, afford the air carrier concerned an opportunity to comment on its intention to discontinue such use in accordance with paragraph 2 and, where relevant, also consult eu-LISA thereon;*	**(b) except in situations of duly justified urgency, afford the air carrier concerned an opportunity to comment on its intention to discontinue such use in accordance with paragraph 2 and, where relevant, also consult eu-LISA thereon;**	
Article 14b(3), point (c)				
128j		*(c) immediately inform eu-LISA and the Commission of any such use to which it agreed and any discontinuation of such use, providing all necessary information, including the date of the start of the use, the date of the discontinuation and the reasons for the discontinuation, as applicable.*	**(c) immediately inform eu-LISA and the Commission of any such use to which it agreed and any discontinuation of such use, providing all necessary information, including the date of the start of the use, the date of the discontinuation and the reasons for the discontinuation, as applicable.**	
Article 14c				
128k		*Article 14c* *Use of the router for PNR data*		
Article 14c(1)				
128l				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		The provisions of Chapters 3 and 4 shall apply mutatis mutandis to the mandatory transfer and transmission of PNR data through the router.		
CHAPTER 5				
129	CHAPTER 5 SUPERVISION, PENALTIES AND HANDBOOK	CHAPTER 5 SUPERVISION, PENALTIES AND HANDBOOK	CHAPTER 5 SUPERVISION, PENALTIES AND HANDBOOK	
Article 15				
130	Article 15 National supervisory authority	Article 15 National supervisory authority	Article 15 National ~~supervisory~~**API supervision** authority	
Article 15(1)				
131	1. Member States shall designate one or more national supervisory authorities responsible for monitoring the application within their territory by air carriers of the provisions of this Regulation and ensuring compliance with those provisions.	1. Member States shall designate one or more national supervisory authorities responsible for monitoring the application within their territory by air carriers of the provisions of this Regulation and ensuring compliance with those provisions.	1. Member States shall designate one or more national ~~supervisory~~**API supervision** authorities responsible for monitoring the application within their territory by air carriers of the provisions of this Regulation and ensuring compliance with those provisions.	
Article 15(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
132	2. Member States shall ensure that the national supervisory authorities have all necessary means and all necessary investigative and enforcement powers to carry out their tasks under this Regulation, including by imposing the penalties referred to in Article 16 where appropriate. They shall lay down detailed rules on the performance of those tasks and the exercise of those powers, ensuring that the performance and exercise is effective, proportionate and dissuasive and is subject to safeguards in compliance with the fundamental rights guaranteed under Union law.	2. Member States shall ensure that the national supervisory authorities have all necessary means and all necessary investigative and enforcement powers to carry out their tasks under this Regulation, including by imposing the penalties referred to in Article 16 where appropriate. They shall lay down detailed rules on the performance of those tasks and the exercise of those powers, ensuring that the performance and exercise is effective, proportionate and dissuasive and is subject to safeguards in compliance with the fundamental rights guaranteed under Union law.	2. Member States shall ensure that the national ~~supervisory~~**API supervision** authorities have all necessary means and all necessary investigative and enforcement powers to carry out their tasks under this Regulation, including by imposing the penalties referred to in Article 16 where appropriate. ~~They shall lay down detailed rules on the performance of those tasks and~~**Member States shall ensure that** the exercise of ~~those powers, ensuring that the performance and exercise is effective, proportionate and dissuasive and~~**the powersconferred on the national API supervision authority** is subject to **appropriate** safeguards in compliance with the fundamental rights guaranteed under Union law.	
Article 15(3)				
133	3. Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, notify the Commission of the name and the contact details of the authorities that they designated under	3. Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, notify the Commission of the name and the contact details of the authorities that they designated under	3. Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, notify the Commission of the name and the contact details of the authorities that they designated under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1 and of the detailed rules that they laid down pursuant to paragraph 2. They shall notify the Commission without delay of any subsequent changes or amendments thereto.	paragraph 1 and of the detailed rules that they laid down pursuant to paragraph 2. They shall notify the Commission without delay of any subsequent changes or amendments thereto.	paragraph 1 and of the detailed rules that they laid down pursuant to paragraph 2. They shall notify the Commission without delay of any subsequent changes or amendments thereto.	
Article 15(4)				
134	4. This Article is without prejudice to the powers of the supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680.	4. This Article is without prejudice to the powers of the supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680.	4. This Article is without prejudice to the powers of the supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 ~~and~~**,** Article 41 of Directive (EU) 2016/680 **and Article 15 of Directive 2016/681**.	
Article 16				
135	Article 16 Penalties	Article 16 Penalties	Article 16 Penalties	
Article 16, first paragraph				
136	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure they are implemented. The penalties provided for shall be effective,	***1.*** Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure they are implemented. The penalties provided for shall be effective,	**1.** Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure they are implemented. The penalties provided for shall be effective,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	proportionate and dissuasive penalties.	proportionate and dissuasive penalties.	proportionate and dissuasive ~~penalties~~.	
Article 16, second paragraph				
137	Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, notify the Commission of those rules and of those measures and shall notify it without delay of any subsequent amendment affecting them.	Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, notify the Commission of those rules and of those measures and shall notify it without delay of any subsequent amendment affecting them.	**2.** Member States shall, by the date of application of this Regulation referred to in Article 21, second subparagraph, notify the Commission of those rules and of those measures and shall notify it without delay of any subsequent amendment affecting them.	
Article 16(3)				
137a		***2. Member States shall ensure that when deciding whether to impose a penalty and when determining the type and level of penalty, the national supervisory authorities take into account relevant circumstances, which may include:***	**3. Member States shall ensure that the national API supervision authorities, when deciding whether to impose a penalty and when determining the type and level of penalty, take into account relevant circumstances, which may include:**	
Article 16(3), point (a)				
137b		***(a) the nature, gravity and duration of the infringement;***	**(a) the nature, gravity and duration of the infringement;**	
Article 16(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137c		*(b) the degree of the air carrier's fault;*	**(b) the degree of the air carrier's fault;**	
Article 16(3), point (c)				
137d		*(c) previous infringements by the air carrier;*	**(c) previous infringements by the air carrier;**	
Article 16(3), point (d)				
137e		*(d) the overall level of cooperation of the air carrier with the competent authorities;*	**(d) the overall level of cooperation of the air carrier with the competent authorities;**	
Article 16(3), point (e)				
137f		*(e) the size of the air carrier, such as the annual number of passengers carried;*	**(e) the size of the air carrier, such as the annual number of passengers carried;**	
Article 16(3), point (f)				
137g		*(f) whether previous penalties have already been applied by other national API supervisory authorities to the same carrier for the same infringement.*	**(f) whether previous penalties have already been applied by other national API supervision authorities to the same carrier for the same infringement.**	
Article 16(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137h		*3. Member States shall ensure that a systematic or persistent failure to comply with obligations set out in this Regulation is subject to financial penalties of up to 2% of an Air Carrier's global turnover of the preceding business year.*	**4. Member States shall ensure that a recurrent failure to transfer any API data in accordance with Article 4a(1) is subject to proportionate financial penalties of up to 4% of the air carrier's global turnover of the preceding financial year.**	
Article 16a				
137i		*Article 16a Statistics*	**Article 16a Statistics**	
Article 16a(1)				
137j		*1. To support the implementation and supervision of this Regulation and based on the statistical information referred to in paragraph 5 of this Article, eu-LISA shall publish every quarter statistics on the functioning of the router, and on compliance by air carriers with the obligations set out in this Regulation. Those statistics shall not allow for the identification of individuals.*	**1. Every quarter, eu-LISA shall publish statistics on the functioning of the router, showing in particular the number, the nationality and the country of departure of the travellers. Those statistics shall specifically include the number, the nationality, and the country of departure, of the travellers who boarded the aircraft with incomplete API data. Those statistics shall also indicate the technical means used to capture the data in paragraph 5(b), (d)**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and (da). eu-LISA shall also publish statistics showing the overall performance of air carriers as regards their compliance with the rules of this Regulation.	
Article 16a(2)				
137k		***The statistics shall show in particular:***		
Article 16a(3)				
137l		***a. the number of passengers on which API and PNR data is transmitted,***		
Article 16a(4)				
137m		***b. the number of flights for which API and PNR data is transmitted,***		
Article 16a(5)				
137n		***c. the number of flights on which API and PNR data is not transmitted,***		
Article 16a(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137o		***d. the number of API and PNR messages transmitted on time to PIUs,***		
Article 16a(7)				
137p		***e. the number of passengers who boarded the aircraft with inaccurate, incomplete or no longer up-to-date API data, with a non-recognised travel document.***		
Article 16a(2)				
137q		***2. For the purposes set out in paragraph 1, the router shall automatically transmit the data listed in paragraph 5 to the central repository for reporting and statistics established in Article 39 of Regulation (EU) 2019/818.***	**2. eu-LISA shall store the daily statistics in the central repository for reporting and statistics established in Article 39 of Regulation (EU) 2019/818.**	
Article 16a(3)				
137r		***3. In order to support the implementation and supervision of this Regulation, at the end of each year, eu-LISA shall compile statistical data in an annual report for that year. It shall publish that***	**3. Each year, eu-LISA shall compile statistical data in an annual report for the previous year. It shall publish that annual report and transmit it to the European Parliament, the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		annual report and transmit it to the European Parliament, the Council, the Commission, the European Data Protection Supervisor, the European Border and Coast Guard Agency and the national supervisory authorities referred to in Article 15.	**Council, the Commission, the European Data Protection Supervisor, the European Border and Coast Guard Agency and the national API supervision authorities referred to in Article 15. The annual report shall not disclose confidential working methods or jeopardise ongoing investigations of the Member States' competent authorities.**	
Article 16a(4)				
137s		***4. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.***	**4. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.**	
Article 16a(5)				
137t		***5. The central repository for reporting and statistics shall provide eu-LISA with the statistical information necessary for the reporting referred to in Article 20 and for generating statistics in accordance with the***	**5. eu-LISA shall have the right to access the following data solely for the purposes of the reporting referred to in Article 20 and for generating statistics in accordance with the present Article, without however such**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		present Article, without however such statistics on API allowing for the identification of the passengers concerned :	**access allowing for the identification of the travellers concerned:**	
Article 16a(5), point (a)				
137u			**(a) whether the traveller is passenger or a crew member;**	
Article 16a(5), point (b)				
137v			**(b) the nationality, sex and year of birth of the traveller;**	
Article 16a(5), point (c)				
137w		*(a) the date and initial point of embarkation, and the date and airport of entry into the territory of a Member State arrival;*	**(c) the date and airport of departure, and the date and airport of arrival;**	
Article 16a(5), point (d)				
137x		*(b) the type of the travel document and the three letter code of the issuing country and the date of expiry of the travel document;*	**(d) the type of the travel document and the three letter code of the issuing country and the date of expiry of the travel document;**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16a(5), point (da)				
137y			**(da) the travel document number together with the data in (d), in pseudonymised form;**	
Article 16a(5), point (e)				
137z		***(c) the number of passengers checked-in on the same flight;***	**(e) the number of travellers checked-in on the same flight;**	
Article 16a(5), point (f)				
137aa			**(f) the code of the airline operating the flight;**	
Article 16a(5), point (g)				
137ab		***(d) whether the flight is a scheduled or a non-scheduled flight;***	**(g) whether the flight is a scheduled or a non-scheduled flight;**	
Article 16a(5), point (h)				
137ac			**(h) whether API data was transferred at the moment of flight closure;**	
Article 16a(5), point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137ad		*(e) whether the personal data of the passenger is accurate, complete and up-to-date.*	**(i) whether the corresponding API data is complete and constitutes an update;**	
Article 16a(5), point (ia)				
137ae			**(ia) the degree of reliability of the personal API data of the traveller.**	
Article 16a(6)				
137af		*6. For the purposes of the reporting referred to in Article 20 and for generating statistics in accordance with the present Article, eu-LISA shall store the data referred to in paragraph 5 of this Article in the central repository for reporting and statistics established by Article 39 of Regulation (EU) 2019/817. It shall store that data for a period of three years in accordance with paragraph 2, without the data allowing for the identification of the passengers concerned.* *The central repository for reporting and statistics shall provide duly authorised staff of*	**6. For the the purposes of the reporting referred to in Article 20 and for generating statistics in accordance with the present Article, eu-LISA shall store the data referred to in paragraph 5 of this Article in the central repository for reporting and statistics established by Article 39 of Regulation (EU) 2019/818. To that end, the router shall push the data referred to in paragraph 5 of this Article automatically to the central repository for reporting and statistics. The cross-system statistical data and analytical reporting referred to in Article 39(1) of that Regulation shall**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the PIUs and other relevant authorities of the Member States with customisable reports and statistics on API as referred to in paragraph 5 for the implementation and supervision of this Regulation.	**allow the PIU and other relevant authorities of the Member States to obtain customisable reports and statistics, for the purposes referred to in Article 1 of this Regulation.**	
Article 16a(13)				
137ag		***7. The use of the data referred to in paragraph 5 of this Article for automated or non-automated risk analysis, profiling or predictive risk assessment shall be prohibited.***		
Article 16a(7)				
137ah		***8. The procedures put in place by eu-LISA to monitor the development and the functioning of the router referred to in Article 39(1) of Regulation (EU) 2019/818 shall include the possibility to produce regular statistics to ensure that monitoring.***	**7. The procedures put in place by eu-LISA to monitor the development and the functioning of the router referred to in Article 39(1) of Regulation (EU) 2019/818 shall include the possibility to produce regular statistics to ensure that monitoring.**	
Article 17				
138				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 17 Practical handbook	Article 17 Practical handbook	Article 17 Practical handbook	
Article 17, first paragraph				
139	The Commission shall, in close cooperation with the PIUs, other relevant Member States' authorities, the air carriers and relevant Union agencies, prepare and make publicly available a practical handbook, containing guidelines, recommendations and best practices for the implementation of this Regulation.	The Commission shall, in close cooperation with the PIUs, other relevant Member States' authorities, the air carriers and relevant Union agencies, ***in particular the European Data Protection Supervisor and the Fundamental Rights Agency,*** prepare and make publicly available a practical handbook, containing guidelines, recommendations and best practices for the implementation of this Regulation***, including on fundamental rights compliance as well as on penalties in accordance with Article 16***.	The Commission shall, in close cooperation with the PIUs, **national API supervision authorities,** other relevant Member States' authorities, the air carriers and relevant Union agencies, prepare and make publicly available a practical handbook, containing guidelines, recommendations and best practices for the implementation of this Regulation**, including on penalties in accordance with Article 16**.	
Article 17, second paragraph				
140	The practical handbook shall take into account the relevant existing handbooks.	The practical handbook shall take into account the relevant existing handbooks.	The practical handbook shall take into account the relevant existing handbooks.	
Article 17, third paragraph				
141				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The Commission shall adopt the practical handbook in the form of a recommendation.	The Commission shall adopt the practical handbook in the form of a recommendation.	The Commission shall adopt the practical handbook in the form of a recommendation.	
CHAPTER 6				
142	CHAPTER 6 RELATIONSHIP TO OTHER EXISTING INSTRUMENTS	CHAPTER 6 RELATIONSHIP TO OTHER EXISTING INSTRUMENTS	CHAPTER 6 RELATIONSHIP TO OTHER EXISTING INSTRUMENTS	
Article 18				
143	Article 18 Amendments to Regulation (EU) 2019/818	Article 18 Amendments to Regulation (EU) 2019/818	Article 18 Amendments to Regulation (EU) 2019/818	
Article 18, first paragraph				
144	_____	_____	_____	_____
Article 18, second paragraph				
145	In Article 39, paragraphs 1 and 2 are replaced by the following:	In Article 39, paragraphs 1 and 2 are replaced by the following:	In Article 39, paragraphs 1 and 2 are replaced by the following:	
Article 18, second paragraph, amending provision, numbered paragraph (1), first subparagraph				
146	“	“	“	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the SIS, Eurodac and ECRIS-TCN, in accordance with the respective legal instruments governing those systems, and to provide cross-system statistical data and analytical reporting for policy, operational and data quality purposes. The CRRS shall also support the objectives of Regulation (EU) …/… of the European Parliament and of the Council* [this Regulation].”	1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the SIS, Eurodac and ECRIS-TCN, in accordance with the respective legal instruments governing those systems, and to provide cross-system statistical data and analytical reporting for policy, operational and data quality purposes. The CRRS shall also support the objectives of Regulation (EU) …/… of the European Parliament and of the Council* [this Regulation].”	1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the SIS, Eurodac and ECRIS-TCN, in accordance with the respective legal instruments governing those systems, and to provide cross-system statistical data and analytical reporting for policy, operational and data quality purposes. The CRRS shall also support the objectives of Regulation (EU) …/… of the European Parliament and of the Council* [this Regulation].”	
Article 18, second paragraph, amending provision, numbered paragraph (1), second subparagraph				
147	* Regulation (EU) [number] of the European Parliament and of the Council of xy on [officially adopted title] (OJ L …)”	* Regulation (EU) [number] of the European Parliament and of the Council of xy on [officially adopted title] (OJ L …)”	* Regulation (EU) [number] of the European Parliament and of the Council of xy on [officially adopted title] (OJ L …)”	
Article 18, second paragraph, amending provision, numbered paragraph (2)				
148	2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU)	2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU)	2. **"2.** eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2019/816 logically separated by EU information system. eu-LISA shall also collect the data and statistics from the router referred to in Article 13(1) of Regulation (EU) …/… * [this Regulation]. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 74 of Regulation (EU) 2018/1862, Article 32 of Regulation (EU) 2019/816 and Article 13(1) of Regulation (EU) …/… * [this Regulation]. ”	2019/816 logically separated by EU information system. eu-LISA shall also collect the data and statistics from the router referred to in Article 13(1) of Regulation (EU) …/… * [this Regulation]. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 74 of Regulation (EU) 2018/1862, Article 32 of Regulation (EU) 2019/816 and Article 13(1) of Regulation (EU) …/… * [this Regulation]. ***Especially the use of the CRRS for risk analysis, profiling or predictive risk assessment shall be prohibited.”*** ”	2019/816 logically separated by EU information system. eu-LISA shall also collect the data and statistics from the router referred to in Article ~~13(1)~~**16a(1)** of Regulation (EU) …/… * [***this Regulation***~~this Regulation~~]. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 74 of Regulation (EU) 2018/1862, Article 32 of Regulation (EU) 2019/816 and Article 13(1) of Regulation (EU) …/… * [***this Regulation*** **].”**~~this Regulation].~~ ”	
Article 18, second paragraph, amending provision, Article				
148a		***Article 18a Committee Procedure***		
Article 18, second paragraph, amending provision, Article(1)				
148b		***1. The Commission shall be assisted by a committee. That committee shall be a committee***		

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		within the meaning of Regulation (EU) No 182/2011.		
Article 18, second paragraph, amending provision, Article(2)				
148c		***2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), the third subparagraph, of Regulation (EU) No 182/2011 shall apply.***		
CHAPTER 7				
149	CHAPTER 7 FINAL PROVISIONS	CHAPTER 7 FINAL PROVISIONS	CHAPTER 7 FINAL PROVISIONS	
Article 19				
150	Article 19 Exercise of delegation	Article 19 Exercise of delegation	Article 19 ~~Exercise of delegation~~**Committee procedure**	
Article 19(1)				
151	1. The power to adopt delegated acts is conferred on the	1. The power to adopt delegated acts is conferred on the	1. The ~~power to adopt delegated acts is conferred on the~~	

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	Commission subject to the conditions laid down in this Article.	Commission subject to the conditions laid down in this Article.	~~Commission subject to the conditions laid down in this Article~~**Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011**.	
Article 19(2)				
152	2. The power to adopt delegated acts referred to in Article 4(5) and (9), Article 5(3), Article 10(2) and Article 11(2) shall be conferred on the Commission for a period of five years from [date of adoption of the Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 4(5)**,** ***Article 4(7b)*** ~~*and (9)*~~, Article 5(3), Article ***5(4), Article*** 10(2) and Article 11(2) shall be conferred on the Commission for a period of five years~~–~~ from [date of adoption of the Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. ~~The power to adopt delegated acts referred to in Article 4(5) and (9)~~ **Where reference is made to this paragraph**, Article ~~5(3), Article 10(2) and Article 11(2)~~**5 of Regulation (EU) No 182/2011** shall ~~be conferred on the Commission for a period of five years from [date of adoption of the Regulation].~~**apply. Where the committee delivers no opinion,** the Commission shall ~~draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration~~**not adopt the draft implementing act and Article 5(4)**,~~ unless the European Parliament or the Council opposes such extension not later than three months before~~	

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			~~the end of each period~~ **the third subparagraph, of Regulation (EU) No 182/2011 shall apply**.	
Article 19(3)				
153	3. The delegation of power referred to in Article 4(5) and (9), Article 5(3), Article 10(2) and Article 11(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 4(5)***, Article 4(7b)*** ~~*and (9)*~~, Article 5(3)***and (4)***, Article 10(2) and Article 11(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	~~3. The delegation of power referred to in Article 4(5) and (9), Article 5(3), Article 10(2) and Article 11(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.~~	
Article 19(4)				
154	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	~~4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.~~	

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Article 19(5)				
155	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	~~5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~	
Article 20				
156	Article 20 Monitoring and evaluation	Article 20 Monitoring and evaluation	Article 20 Monitoring and evaluation	
Article 20(-1)				
156a		***-1. eu-LISA shall ensure that procedures are in place to monitor the development of the router in light of objectives relating to planning and costs, and to monitor the functioning of the router in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.***		
Article 20(-1a)				
156b		***-1a. By ... [one year from the date of entry into force of this***		

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		Regulation] and every year thereafter during the development phase of the router, eu-LISA shall produce a report, and submit it to the European Parliament and to the Council on the state of play of the development of the router. That report shall contain detailed information about the costs incurred and about any risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 12. From the date at which the router starts operations and every year thereafter, the Commission shall assess whether the budget under the MFF budget line 4.11.10.02 ("eu-LISA") covers the needs necessary for good design, development, hosting and technical management of the router and, if appropriate, immediately propose amendment to the budget appropriations.		
Article 20(-1b)				
156c		***-1b. Once the router starts operations, eu-LISA shall produce a report and submit it to the European Parliament and to the***		

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		Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.		
Article 20(1)				
157	1. By [four years after the date of entry into force of this Regulation], and every four years thereafter, the Commission shall produce a report containing an overall evaluation of this Regulation, including an assessment of:	1. By [four years after the date of entry into force of this Regulation], and every four years thereafter, the Commission shall produce a report containing an overall evaluation of this Regulation***, demonstrating the necessity and added value of the collection of API data***, including an assessment of:	1. By [four years after the date of entry into force of this Regulation], and every four years thereafter, the Commission shall produce a report containing an overall evaluation of this Regulation, including an assessment of:	
Article 20(1), point (a)				
158	(a) the application of this Regulation;	(a) the application of this Regulation;	(a) the application of this Regulation;	
Article 20(1), point (b)				
159	(b) the extent to which this Regulation achieved its objectives;	(b) the extent to which this Regulation achieved its objectives;	(b) the extent to which this Regulation achieved its objectives;	
Article 20(1), point (c)				
160				

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	(c) the impact of this Regulation on the fundamental rights protected under Union law;	(c) the impact of this Regulation on the fundamental rights protected under Union law;	(c) the impact of this Regulation on the fundamental rights protected under Union law;	
Article 20(1), first subparagraph, point (ca)				
160a		***(ca) the impact of this Regulation on the travel experience of legitimate passengers;***		
Article 20(1), first subparagraph, point (cb)				
160b		***(cb) the impact of this Regulation on the competitiveness of the aviation sector and the burden incurred by businesses. The Commission's report shall also address this Regulation's interaction with other relevant EU legislative acts, notably Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) 767/2008, with a view to assessing the overall impact of related reporting obligations on air carriers, identify provisions that may be updated and simplified, where appropriate, to mitigate the burden on air carriers, and consider actions and measures that could be taken to reduce the***		

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		total cost pressure on air carriers.		
Article 20(1), second subparagraph				
160c		***1a. The evaluation referred to in paragraph 1 shall also include an assessment of:***		
Article 20(1), second subparagraph, point (-a)				
160d		***(a) the necessity, proportionality and effectiveness of including the mandatory collection and transfer of API data relating to intra-EU flights within the scope of this Regulation;***		
Article 20(1), second subparagraph, point (-b)				
160e		***(b) the feasibility of including non-commercial business aviation within the Scope of this Regulation.***		
Article 20(1), point (d)				
161	(d) The Commission shall submit the evaluation report to the European Parliament, the Council, the European Data Protection	~~(d)~~***1b.*** The Commission shall submit the evaluation report to the European Parliament, the Council, the European Data Protection	(d) The Commission shall submit the evaluation report to the European Parliament, the Council, the European Data Protection	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Supervisor and the European Agency for Fundamental Rights. If appropriate, in light of the evaluation conducted, the Commission shall make a legislative proposal to the European Parliament and to the Council with a view to amending this Regulation.	Supervisor and the European Agency for Fundamental Rights. If appropriate, in light of the evaluation conducted, the Commission shall make a legislative proposal to the European Parliament and to the Council with a view to amending this Regulation.	Supervisor and the European Agency for Fundamental Rights. If appropriate, in light of the evaluation conducted, the Commission shall make a legislative proposal to the European Parliament and to the Council with a view to amending this Regulation.	
Article 20(2)				
162	2. The Member States and air carriers shall, upon request, provide the Commission with the information necessary to draft the report referred to in paragraph 1. However, Member States may refrain from providing such information if, and to the extent, necessary not to disclose confidential working methods or jeopardise ongoing investigations of their PIUs or other law enforcement authorities. The Commission shall ensure that any confidential information provided is appropriately protected.	2. The Member States and air carriers shall, upon request, provide the ***eu-LISA and the*** Commission with the information necessary to draft the report referred to in paragraph 1***. In particular, Member States shall provide quantitative and qualitative information on the necessity and added value of the collection of API data from an operational perspective***. However, Member States may refrain from providing such information if, and to the extent, necessary not to disclose confidential working methods or jeopardise ongoing investigations of their PIUs or other law enforcement authorities. The Commission shall ensure that any confidential information	2. The Member States and air carriers shall, upon request, provide the Commission with the information necessary to draft the report referred to in paragraph 1. ~~However,~~**That information provided may not constitute personal data.** Member States may refrain from providing such information if, and to the extent, necessary not to disclose confidential working methods or jeopardise ongoing investigations of their PIUs or other ~~law enforcement~~ **competent** authorities. The Commission shall ensure that any confidential information provided is appropriately protected.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		provided is appropriately protected.		
Article 21				
163	Article 21 Entry into force and application	Article 21 Entry into force and application	Article 21 Entry into force and application	
Article 21, first paragraph				
164	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 21, second paragraph				
165	It shall apply from two years from the date at which the router starts operations, specified by the Commission in accordance with Article 27 of Regulation (EU) [API border management].	It shall apply from two years from the date at which the router starts operations, specified by the Commission in accordance with Article ~~27 of Regulation (EU) [API border management]~~***14a***.	It shall apply from two years from the date at which the router starts operations, specified by the Commission in accordance with Article ~~27 of Regulation (EU) [API border management]~~**14a.**~~.~~	
Article 21, third paragraph				
166	However, Article 4(5) and (9), Article 5(3), Article 10(2), Article 11(2) and Article 19 shall apply from [Date of entry into force of	However~~,~~***:*** ***(a)*** Article 4(5)***, Article 5(3) and (4)*** ~~and (9)~~, Article ~~5(3)~~***10(2)***,	However, Article 4(5) and (9), Article 5(3), Article 10(2), Article 11(2) and Article 19 shall apply from [Date of entry into force of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation].	Article ~~10(2)~~***11(2)***, Article ~~11(2)~~***18a*** and Article 19 shall apply from [Date of entry into force of this Regulation]. ***(b) Article 4b, Article 6(-1), (2) and (3), Article 7, Article 7a, Article 8, Article 11b, Article 11c, Article 14 and Article 14 shall apply from the date at which the router starts operations, specified by the Commission in accordance with Article 14a.***	this Regulation].	
Article 21, fourth paragraph				
167	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	
Formula				
168	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,	
Formula				
169	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
170	The President	The President	The President	
Formula				
171	For the Council	For the Council	For the Council	
Formula				
172	The President	The President	The President	