EU/Australia agreement: processing and transfer of EU-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service

2009/0186(NLE) - 01/02/2010 - Legislative proposal

PURPOSE: to conclude the Agreement between the EU and Australia on the processing and transfer of EU-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service.

PROPOSED ACT: Council Decision.

CONTENT: this proposal aims to conclude, on behalf of the Union, the Agreement between the EU and Australia on the processing and transfer of EU-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service.

The Agreement was signed on 30 June 2008 but it has not yet been formally concluded. For details of the content of the Agreement, please refer to the summary of the document annexed to the procedure of 18/01 /2010 (Council document 9946/08).

With the entry into force of the **Treaty of Lisbon** on 1 December 2009, the procedures to be followed by the Union in order to conclude the Agreement are governed by Article 218 of the Treaty on the Functioning of the European Union (TFEU) which states that the Council shall adopt a decision concluding the agreement, **after obtaining the consent of the European Parliament**.

Territorial application: in accordance with the Protocol 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, these Member States have notified their wish to take part in the adoption and application of this Decision. Denmark will not be bound by the Agreement.

It should be noted that this Agreement has applied provisionally since the date of its signature (30 June 2008).