

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

2011/0126(NLE) - 13/09/2011 - Legislative proposal

PURPOSE: to conclude an Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service.

PROPOSED ACT: Council Decision.

BACKGROUND: on 2 December 2010, the Council adopted a Decision authorising the Commission to open negotiations on behalf of the Union with Australia for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime.

In accordance with a Council Decision, the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service has been signed, subject to its conclusion at a later date.

It is now necessary to conclude the Agreement on behalf of the EU.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Articles 82(1)(d) and 87(2)(a), in conjunction with Article 218 (6)(a) of the TFEU.

CONTENT: by this proposal, the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service is hereby approved on behalf of the Union.

The Agreement respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, notably the right to respect for private and family life, the right to the protection of personal data, and the right to effective remedy and fair trial. The Agreement should be applied in accordance with those rights and principles.

The text of the Agreement is attached to this Decision. For further details as regards the content of the Agreement, please refer to the previous initial legislative document dated 19/05/2011.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.