

Thursday 27 October 2011

EU-Australia agreement on the processing and transfer of PNR data ***

P7_TA(2011)0470

European Parliament legislative resolution of 27 October 2011 on the draft Council decision on the conclusion of 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 (09825/2011 – C7-0304/2011 – 2011/0126(NLE))

(2013/C 131 E/29)

(Consent)

The European Parliament,

- having regard to the draft Council decision (09825/2011),
- having regard to the draft 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 annexed to the above-mentioned draft Council decision (10093/2011),
- having regard to the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (COM(2010)0492),
- having regard to its resolution of 14 February 2007 on SWIFT, the PNR agreement and the transatlantic dialogue on these issues ⁽¹⁾, its recommendation of 22 October 2008 on the evaluation of the Australia-EU PNR agreement ⁽²⁾, its resolution of 5 May 2010 on the launch of negotiations for Passenger Name Record (PNR) agreements with the United States, Australia and Canada ⁽³⁾, and its resolution of 11 November 2010 on the global approach to transfers of PNR data to third countries ⁽⁴⁾,
- having regard to the opinions of the European Data Protection Supervisor of 19 October 2010 on the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries ⁽⁵⁾ and of 15 July 2011 on the proposal for a Council Decision on the conclusion of 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 ⁽⁶⁾,
- having regard to Opinion 7/2010 of 12 November 2010 on the European Commission's Communication on the global approach to transfers of Passenger Name Record (PNR) data to third countries adopted by the Article 29 Data Protection Working Party,
- having regard to the request for consent submitted by the Council in accordance with Article 218(6), second subparagraph, point (a), in conjunction with Article 82(1), second subparagraph, point (d), and Article 87(2), point (a), of the Treaty on the Functioning of the European Union (C7-0304/2011),
- having regard to Article 16 of the Treaty on the Functioning of the European Union and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union,
- having regard to Rules 81 and 90(7) of its Rules of Procedure,

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 349.

⁽²⁾ OJ C 15 E, 21.1.2010, p. 46.

⁽³⁾ OJ C 81 E, 15.3.2011, p. 70.

⁽⁴⁾ Texts adopted, P7_TA(2010)0397.

⁽⁵⁾ OJ C 357, 30.12.2010, p. 7.

⁽⁶⁾ Not yet published in the Official Journal.

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— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee of Foreign Affairs (A7-0364/2011),

1. Consents to the conclusion of the Agreement;
 2. Considers that procedure 2009/0186(NLE) has lapsed as a result of the 2008 PNR Agreement between the European Union and Australia having been replaced by the new PNR Agreement;
 3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and the government of Australia.
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