



**GIOVANNI BUTTARELLI**  
ASSISTANT SUPERVISOR

Mr Stefano MANSERVISI  
Director-General  
DG Home Affairs  
European Commission  
B-1049 Brussels

Brussels, 5 May 2011  
GB/ACL/et/D(2011)845 C **2011-0420**

Dear Mr Manservisi,

I am writing to you in reply to your letter of 4 May concerning the two draft Proposals for Council Decisions on (i) the conclusion and (ii) the signature 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.

We understand that the consultation of the EDPS takes place in the context of a fast track procedure. However, we regret that the time available for us to analyse the Proposal is reduced to a single day. Such a deadline precludes the EDPS from being able to exercise its competences in an appropriate way, even in the context of a file which we have been closely following since 2007.

Please find attached our preliminary comments on the Proposal. They are without prejudice to the formal Opinion that may follow under Article 28(2) of Regulation 45/2001. In that Opinion, also other relevant elements of the Proposal may be discussed.

Since the Proposals are restricted, I have decided to apply the same restriction to these comments.

Our services remain available, should you need any clarification in relation with this note.

Yours sincerely,

Giovanni BUTTARELLI

Cc. Mr Renaudière (Commission, Data Protection Officer)

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