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to :	COREPER
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Subject :	Joint Declaration of the European Union and Australia on the Agreement on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service

Delegations will find attached the text of a draft joint declaration to be adopted by the European Union and Australia at the moment of signing of the EU-AUS PNR Agreement.

Joint Declaration of the European Union and Australia on the Agreement on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service

When implementing the Agreement on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service (“the Agreement”), the European Union and Australia have reached the following understandings in respect of their obligations under Articles 19 and 24 of the Agreement:

1. In the context of the joint consultation and review mechanism set out in Article 24 of the Agreement, Australia and the European Union will exchange information where appropriate, regarding the transfers of European Union citizens' and residents' PNR data to the authorities of third countries as laid down in Article 19 of the Agreement;
2. Provide that, in the context of the consultation and review mechanism set out in Article 24 of the Agreement, all appropriate information will be supplied on the conditions governing those transfers on a case-by-case basis in accordance with the provisions of Article 19;
3. Pay particular attention to providing all the safeguards for the implementation of the provisions of Article 19(1)(a), so as to be satisfied that third countries receiving such data have agreed to afford to the data the legal and practical safeguards provided by the Agreement;
4. Set up specific reporting mechanisms between the authorities of Member States and of Australia, where the data of a European Union citizen or resident is transferred under Article 19(f).

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